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TUESDAY, MARCH 27, 1979

highlights

HOW TO USE THE FEDERAL REGISTER

KANSAS CITY, MISSOURI WORKSHOP

May 17, 1979

See inside cover for details.

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

HEW/SSA proposes rules regarding State pass along of Federal cost-of-living increases to eligible individuals and cost limitations for hold-harmless States; comments by 5-29-79 18238

SUPPLEMENTAL SECURITY INCOME FOR THE DISABLED

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HEW/SSA issues notice of intent to amend regulations governing Old-Age, Survivors, and Disability Insurance and Supplemental Security Income for the Aged, Blind, and Disabled programs 18237

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KANSAS CITY, MISSOURI WORKSHOP

HOW TO USE THE FEDERAL REGISTER WORKSHOPS

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register in cooperation with the Duquesne University School of Law.

WHAT: Free public workshop (approximately 2½ hours to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHEN: May 17, 1979 at 10 p.m.

WHERE: Federal Building, Room 109, 601 E. 12th Street, Kansas City, Missouri.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.

RESERVATIONS: Call 816–374–2466.

federal register

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01-M]

Title 5—Administrative Personnel

CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT

CIVIL SERVICE REFORM

Interim Regulations with Request for Comments; Correction

AGENCY: Office of Personnel Management.

ACTION: Correction to interim regulations.

SUMMARY: This document makes correction to OPM interim regulations published in the FEDERAL REGISTER, Vol. 44, No. 34—Friday, February 16, 1979, pages 10041-10047. It corrects the effective date of the regulations and adds material omitted or changed.

DATES: Effective date February 15. 1979, and until final regulations are issued.

FOR FURTHER INFORMATION CONTACT:

Susan Rothschild (202) 632-4467.

SUPPLEMENTARY INFORMATION: The following changes should be made to OPM interim regulations published in the FEDERAL REGISTER, Vol. 44, No. 34—Friday, February 16, 1979, pages 10041-10047:

(1) Page 10042: "DATES: Effective date: February 16, 1979 * * *."

The effective date was incorrectly submitted and should have read: "DATES: Effective date: February 15, 1979 * * *."

February 15, 1979 is the date the material was available at the FEDERAL REGISTER for public inspection and the date the authorities were delegated to the agencies.

PART 630—ABSENCE AND LEAVE

(2) Page 10046:

Section 630.211(e) was published as follows:

(e) *Continuation of previous authorizations.* Any officer in an agency who was excluded by action of the President or the Office of Personnel Management prior to February 15, 1979, from annual and sick leave provisions under the authority of 5 U.S.C. 6301(2)(xi) shall continue to be excluded from annual and sick leave unless the exclusion is revoked by the agency under the provisions of this section.

The referrence to Office of Personnel Management is incorrect and should refer to the Civil Service Commission as follows:

§ 630.211 Exclusion of Presidential appointees.

* * * * *

(e) *Continuation of previous authorizations.* Any officer in an agency who was excluded by action of the President or the Civil Service Commission prior to February 15, 1979, from the annual and sick leave provisions under the authority of 5 U.S.C. 6301(2)(xi) shall continue to be excluded from annual and sick leave unless the exclusion is revoked by the agency under the provisions of this section.

(3) Page 10046: All material after § 930.107(c) is not regulatory material and should be set apart. The non-regulatory material begins with the following paragraph:

"Authorities Proposed for Delegation but not Requiring Regulatory Changes. The following authorities proposed for delegation involve changes to the Federal Personnel Manual and other appropriate issuance but do not involve regulatory changes."

(4) Page 10046: Three paragraphs were inadvertently omitted from our submission and should be included in the text of the non-regulatory material. The revised text should read as follows:

(3) *Extension of Details Beyond 120 days (FPM Chapter 300).*

Agencies are delegated the authority to detail employees, in 120 day increments, to the same or lower grade positions for up to 1 year without OPM approval. Extensions beyond 1 year will still require OPM approval.

(Insert the following three paragraphs)

Agencies are delegated the authority to detail employees to higher grade positions for up to 1 year during major reorganizations as determined by the agency. However, if an employee's services are needed in a higher grade position for more than brief periods, agencies are encouraged, wherever possible, to make temporary promotions.

Details to higher grade positions which are not during major reorganizations are still limited to 240 days. However, OPM approval is no longer required for the second 120 days.

Details to unclassified positions are still limited to 120 days. In that time agencies should be able to assign a tentative grade to a set of duties. Extensions of this time limit will be granted by OPM in unusual situations only, based on the written request of the agency explaining the reasons for the request.

FPM Chapter 300 will be revised to reflect this change.

OFFICE OF PERSONNEL MANAGEMENT,
RODERICK S. SPEER,
Assistant Issuance System Manager.

MARCH 22, 1979.

[FR doc. 79-9213 Filed 3-26-79; 8:45 am]

[3410-07-M]

Title 7—Agriculture

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1800—ADMINISTRATIVE PROVISIONS

PART 1900—GENERAL

Subpart A—Delegations of Authority

REDESIGNATION—REVISION

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration revises and redesignates its regulations regarding general delegations of authority to Agency officials to perform Agency functions. This action is taken to expedite the processing of some actions and to correct the titles of Agency officials to reflect the recent Agency reorganization. The action is taken as a result of an internal review of regulations in accordance with Executive Order 12044.

EFFECTIVE DATE: March 27, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph H. Linsley, Chief, Directives Management Branch. Phone: 202-447-4057.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration revises and redesignates Subpart C of Part 1800 to a new Subpart A of Part 1900, Subchapter H, Chapter XVIII, Title 7 in the Code of Federal Regulations. This action is taken primarily to renumber the regulation to conform, with the overall Agency restructuring of its regulations and to update the titles of Agency officials in accordance with the recently approved reorganization. In addition, the subsection concerning compromise is amended to provide the general authority for settlement of claims against third parties, especially conversion claims, by field officials and the introductory sentence to Section 1900.2 is amended to reflect the fact that authorities are exercised in accordance with applicable laws and the regulations which implement the laws.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of the change is to primarily update and redesignate the regulation and to redelegate an authority already in existence and therefore publication for comment is unnecessary. The official making this determination is Mr. Joseph H. Linsley, Chief, Directives Management Branch.

Therefore, Part 1800 is deleted and Part 1900, Subpart A, is added and reads as follows:

PART 1800—ADMINISTRATIVE PROVISIONS [DELETED]

1. Part 1800, including Subpart C are hereby deleted from the CFR.

2. Part 1900, Subpart A is added and reads as follows:

PART 1900—GENERAL

Subpart A—Delegations of Authority

Sec.

1900.1 General.
1900.2 National Office Staff and State Directors.
1900.3 State Office Staff and County Office Employees.
1900.4 Ratification.
1900.5 Effect on other regulations.

AUTHORITIES: 7 U.S.C. 1989; 42 U.S.C. 1480; 42 U.S.C. 2942; 5 U.S.C. 301; Sec. 10 Pub. L. 93-357, 88 Stat 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70; delegations of authority by Dir., OEO 29 FR 14764, 33 FR 9850.

Subpart A—Delegations of Authority

§ 1900.1 General.

The authorities contained in this Subpart apply to all assets, functions, and programs now or hereafter administered or serviced by the Farmers Home Administration, including but not limited to those relating to indebtedness, security, and other assets obtained or contracted through the Secretary of Agriculture, Resettlement Administration, Farm Security Administration, or Emergency Crop and Feed Loan Offices of the Farm Credit Administration, the Soil Conservation Service in connection with water conservation and utilization projects; the Puerto Rico Hurricane Relief Commission and successor agencies in connection with Puerto Rico Hurricane relief loans to individuals; State Rural Rehabilitation Corporations, the United States of America or its officials as trustees of the assets of State Rural Rehabilitation Corporations, Regional Agricultural Credit Corporations, Defense Relocation Corporations, land leasing and purchasing associations, corporations, and agencies, and whether the interest of the United States in the indebtedness, instrument of debt, security, security instrument, or other assets is that of obligee, owner, holder, insurer, assignee, mortgagee, beneficiary, trustee or other interest.

§ 1900.2 National Office Staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, and the regulations implementing these laws, are severally authorized, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making and insuring loans, making grants and advances, servicing loans and other indebtedness, and obtaining, servicing, and enforcing security and other instruments related thereto: The Deputy Administrator Rural Development, the Deputy Administrator for Farm and Family Programs, the Assistant Administrators for Farmer Programs, Community Programs, Business and Industry, Multi-Family Housing, and Single Family Housing, the Director, Finance Office; each Deputy Director and the Insured Loan Officer, Finance Office; the Directors for the Water and Waste Disposal Loan Division, the Community Facilities Loan Division, the Business and Industry Loan Servicing Division, the Business Management and Development Division, the Business and Industry Loan Review and Processing Division, the Rural Rental Housing Loan Division, the Multi-Family Housing Management and Support Division, the Multi-Family Housing Special Authorities Loan Division, the Home Ownership Loan Division, the Single Family Housing Management and Support Division, the Single Family Housing Guarantee and Special Authorities Loan Division, the Farm Real Estate Loan Division, the Farm Production Loan Division, the Emergency Loan Division, the Property Management Staff; and each State Director within the area of that State Director's jurisdiction; and in the absence or disability of any such official, the person acting in that official's position; and the delegates of any such official. The authority includes, but is not limited to, the authority to:

(a) Effect the assignment of, or the declaration of trust with respect to, insured security instruments to place them in trust with the United States of America as trustee for the benefit of any holder of the promissory note or bond secured by such security instrument.

(b) Acknowledge receipt of notice of sale or assignment of insured loans and security instruments.

(c) Appoint or request the appointment of substitute trustees in deeds of trust.

(d) Execute proofs of claim in bankruptcy, death, and other cases.

(e) Sell or otherwise dispose of real estate or interests therein, and execute and deliver quitclaim deeds, easements, right-of-way conveyances, and other instruments to effectuate such sale or disposition.

(f) Compromise, adjust, cancel, release, charge off, and liquidate indebtedness, including modification of contracts and other instruments and also including compromise of claims owed to the Farmers Home Administration and covered by the Federal Claims Collection Act of 1966 and the joint regulations issued under it by the Attorney General and the Comptroller General.

(g) Consent to sale or assignment of, or sell or assign, direct or insured loans and security instruments, and execute any necessary assignments, endorsements, reinsurance agreements, or other instruments in connection therewith.

(h) Approve and accept transfers of security property or interests therein to the United States of America, and approve and consent to transfers of security property or interest therein to other parties.

(i) Accelerate and declare entire real estate indebtedness due and payable, foreclose or request foreclosures of real estate security instruments by exercise of power of sale or otherwise, and bid for and purchase at any foreclosure or other sale or otherwise acquire real property pledged, mort-

gaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(j) Execute agreements to insure and reinsure, and to purchase and repurchase insured loans and security instruments.

(k) Execute and deliver or approve in writing, suspensions, releases or terminations of assignments of income, renewals, extensions, partial and full releases and satisfactions of security and personal or indemity liability for indebtedness, waivers, subordination agreements, severance agreements, affidavits, acknowledgements, certificate of residence, evidence of consent, and other instruments or documents.

(l) Require and accept further or additional security.

(m) Accelerate and declare entire non-real estate indebtedness due and payable, and foreclose or request foreclosure of chattel security instruments by exercise of power of sale or otherwise.

(n) Bid for and purchase at any foreclosure or other sale, or otherwise acquire personal property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(o) Take possession of, maintain, and operate security or acquired real or personal property or interests therein, sell or otherwise dispose of such personal property, and execute and deliver contracts, caretaker's agreements, leases, and other instruments in connection therewith, as appropriate.

(p) Execute proofs of loss on insurance contracts and endorse without recourse loss payment drafts and checks.

(q) Issue, publish and serve notices and other instruments.

(r) File or record instruments, whether separate instruments, or by making marginal entries, or by use of other methods permissible under State law.

§ 1900.3 State office staff and county office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, and the regulations implementing these laws, for and on behalf of, and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (r), both inclusive, of § 1900.2: Chief, Farmer Programs/Specialist; Chief, Rural Housing/Specialist; Chief, Community Programs/Specialist; Chief, Business and Industry/Specialist; Property Management Specialist; and State Supervisor; each District Director, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such official or employee, the person acting in the position.

§ 1900.4 Ratification.

All written instruments affecting title to real or personal property, including but not limited to deeds, releases, satisfactions, subordination agreements, severance agreements, consents, waivers, assignments, declarations of trust, and heretofore executed by officials or employees of the agencies or other entities referred to in § 1900.1 to carry out any purpose authorized by law, incident to the administration of programs under the jurisdiction of said agencies or other entities, are hereby approved, confirmed, and ratified.

§ 1900.5 Effect on other regulations.

This subpart does not revoke or modify any other delegation or redelegation; instruction, procedure, or regulation issued by, or under authority of, the Administrator of the Farmers Home Administration.

Dated: March 19, 1979.

GORDON CAVANAUGH,
Administrator,
Farmers Home Administration.

[FR Doc. 79-9181 Filed 3-26-79; 8:45 am]

[6210-01-M]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 25—COMMUNITY REINVESTMENT ACT REGULATIONS

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 228—COMMUNITY REINVESTMENT

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 345—COMMUNITY REINVESTMENT

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

PART 563e—COMMUNITY REINVESTMENT

COMMUNITY REINVESTMENT ACT REGULATIONS

Amendment Relating to Institutions Serving Military Personnel

AGENCIES: Board of Governors of the Federal Reserve System, Comptroller of the Currency, Federal Deposit Insurance Corporation, and Federal Home Loan Bank Board.

ACTION: Final regulations.

SUMMARY: This amendment to the Agencies' regulations implementing the Community Reinvestment Act of 1977 reflects an amendment to that law contained in the Financial Institutions Regulatory and Interest Rate Control Act of 1978 that relates to financial institutions whose business predominantly consists of serving the needs of military personnel who are not located within a defined geographic area.

EFFECTIVE DATE: April 26, 1979.

FOR FURTHER INFORMATION CONTACT:

C. Baird Brown, Board of Governors of the Federal Reserve System: 202-452-3265; JoAnn Barefoot, Comptroller of the Currency: 202-447-0934; Jeffrey Tisdale, Federal Deposit Insurance Corporation: 202-389-4384; Nancy Feldman, Federal Home Loan Bank Board: 202-377-6443.

SUPPLEMENTARY INFORMATION: On December 7, 1978, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Home Loan Bank Board (collectively referred to as "the Agencies") published in the FEDERAL REGISTER (43 FR 57259) a proposed amendment to their Community Reinvestment Act ("CRA") regulations. The Agencies now adopt a final version of that amendment.

The CRA requires that in connection with their examination of institutions in their jurisdiction, the Agencies assess each institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the safe and sound operation of the institution. The CRA further requires that the appropriate Agency take that record into account in its evaluation of any application by the institution for a charter, deposit insurance, branch or other deposit facility, office relocation, merger, or acquisi-

tion of bank or savings institution shares or assets. The amendment to the Agencies' regulations, which implements an amendment to the CRA passed as part of Title 15 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978 (Pub. L. 95-630), permits qualified institutions to delineate a "military community" of non-local customers in addition to a local community or communities. Together these comprise their "entire community" for purposes of Agency assessment and evaluation.

The Agencies have received comments on the proposed amendment and have revised the amendment after considering the concerns of the commenters. An explanation of the comments and of the changes in the amendment are set forth below.

Qualification for Exception

The proposed amendment would have permitted an institution to delineate a military community if "over half of [its] depositors are active duty or retired military personnel or their dependents who reside more than 50 miles from any of its offices." While a few commenters approved of the amendment as drafted, the majority favored liberalizing the restrictions on its application. They suggested various alternatives including reduction of the number of depositors from one half to one third, or to as little as 10 per cent, and reduction or elimination of the 50 mile limitation. While there was general agreement on reducing these numbers, no clear rationale was offered for any particular reduction. Other commenters suggested eliminating specific numerical limitations to permit the regulation to be applied more broadly and flexibly.

The Agencies' original CRA regulations give institutions flexibility in delineating their local communities, and the Agencies wish to permit similar flexibility for institutions serving military personnel. The Agencies are persuaded that particular numerical limits may operate inequitably among various institutions. They also wish to avoid burdensome recordkeeping and detailed proof of whether an institution exceeds a numerical limit. In view of these concerns, the Agencies have revised their amendment to permit delineation of a military community by an institution "whose business predominantly consists of serving persons who are active duty or retired military personnel or their dependents and who are located outside of its local community or communities."

In applying this revised provision, the Agencies interpret "predominantly" to refer to the most important aspect of an institution's business. In considering the reasonableness of an institution's inclusion of a military community in its delineation of its entire community, Agency examiners may consider evidence such as numbers of depositors or accounts, loans granted, dollar volumes, marketing strategy, or other evidence that non-local military personnel are the institution's most important customer group. Ordinarily, examiners will not request detailed statistical verification of an institution's judgment as to predominance. Examiners will in all cases review the delineations of the institution's local community or communities to ensure that they are not unreasonably small thereby resulting in an inappropriate expansion of the institutions non-local customer base.

Other Comments on Scope

Two comments were received suggesting that institutions be allowed to delineate a military community for any branch that predominantly serves non-local military personnel. The Agencies do not believe that the CRA as amended permits this interpretation.

One comment asked that banks serving predominantly non-local military personnel be exempt from delineating a local community and three others suggested exemption if an institution's local customers were an insignificant portion of its customers. Given the emphasis of the CRA on the credit needs of local communities, the Agencies do not believe it is appropriate to exempt any institution from assessment of its record with respect to its local community. Based on the comments and other evidence available to them, the Agencies do not believe that any institution predominantly serving non-local military personnel has an insignificant proportion of local customers.

CRA Regulations as Applied to Military Communities

One comment expressed concern that various parts of the Agencies' CRA regulations that are made applicable to military communities by section (c) of the amendment cannot be readily applied to military communities. The Agencies believe that provisions of their regulations relating to the CRA Statement, Comment Files, and Public Notice are directly applicable to military communities. For the purposes of these sections, offices of the institution may serve and hence be "located" in both a local community and the military community of the institution, and the institution may choose one of those offices, including its head office, as its designated office for Comment Files relating to its military community. The Agencies recognize that the factors in the Assessment of the Record section of their regulations were not drafted with military communities in mind, and that therefore some may have no parallel in a military community. However, the Agencies have previously stated (43 FR 29919) that the list of factors is "only intended to be indicative of the evidence that the Agencies would consider" in assessing an institution's record of performance. Some of the listed factors clearly do apply to military communities and the Agencies may consider other evidence of an institution's service to its military community.

Accordingly, the Agencies hereby amend 12 CFR Parts 25, 228, 345, 563e as follows:

[4810-33-M]

PART 25—COMMUNITY REINVESTMENT ACT REGULATIONS

12 CFR Part 25 is amended by revising § 25.3(b), and adding § 25.3(c), as follows:

§ 25.3 Delineation of Community.

(a) * * *

(b) Except as provided in paragraph (c) of this section, a local community consists of contiguous areas surrounding each office or group of offices, including any low- and moderate-income neighborhoods in those areas. More than one office of a national bank may be included in the same local community. Unless the Comptroller determines otherwise, a community delineation need not take account of an off-premises electronic facility that receives deposits for more than one depository institution. In preparing its delineation, a national bank may use any one of the three bases set forth below.

* * * * *

(c) A national bank whose business predominantly consists of serving persons who are active duty or retired military personnel or their dependents and who are located outside its local community or communities may delineate a "military community" for those customers in addition to its local community or communities. Provisions of this part concerning local communities shall also apply to military communities, except that military communities shall be delineated by a written description rather than a map.

(Sec. 803, Pub. L. 95-128, as amended by sec. 1502, Pub. L. 95-630, 92 Stat. 3713 (12 U.S.C. 2902))

Dated: February 9, 1979.

JOHN G. HEIMANN,
Comptroller of the Currency.

[6210-01-M]

PART 228—COMMUNITY REINVESTMENT

§ 228.3 [Amended]

Effective, April 26, 1979 § 228.3 is amended as follows:

(1) Paragraph (b) is revised by deleting the word "A" at the beginning of the first sentence of the paragraph and inserting, "Except as provided in paragraph (c) of this section, a".

(2) New paragraph (c) is added:

* * * * *

(c) A State member bank whose business predominantly consists of serving persons who are active duty or retired military personnel or their dependents and who are located outside of its local community or communities, may delineate a "military community" for those customers, in addition to its local community or communities. Provisions of this part concerning local communities shall also apply to military communities, except that military communities shall be delineated by a written description rather than a map.

(Sec. 803, Pub. L. 95-128, as amended by sec. 1502, Pub. L. 95-630, 92 Stat. 3713 (12 U.S.C. 2902))

Board of Governors of the Federal Reserve System, February 22, 1979.

THEODORE E. ALLISON,
Secretary of the Board.

[6714-01-M]

PART 345—COMMUNITY REINVESTMENT REGULATIONS

12 CFR Part 345 is amended by revising § 345.3(b), and adding § 345.3(c), as follows:

§ 345.3 Delineation of Community.

(a) * * *

(b) Except as provided in paragraph (c) of this section, a local community consists of contiguous areas surrounding each office or group of offices, including any low- and moderate-income neighborhoods in those areas. More than one office of a bank may be included in the same local community. Unless the FDIC determines otherwise, a community delineation need not take account of an off-premises electronic facility that receives deposits for more than one depository institution. In preparing its delineation, a bank may use any one of the three bases set forth below:

* * * * *

(c) An insured State nonmember bank whose business predominantly consists of serving persons who are active duty or retired military personnel or their dependents and who are located outside its local community or communities may delineate a "military community" for those customers in addition to its local community or communities. Provisions of this part concerning local communities shall also apply to military communities, except that military communities shall be delineated by a written description rather than a map.

(Sec. 803, Pub. L. 95-128, as amended by sec. 1502, Pub. L. 95-630, 92 Stat. 3713 (12 U.S.C. 2902))

Dated: March 20, 1979.

HOYLE L. ROBINSON,
Acting Executive Secretary.

[6720-01-M]

PART 563e—COMMUNITY REINVESTMENT

§ 563e.3 [Amended]

Section 563e.3 is amended as follows:

(1) Paragraph (b) is revised by deleting "A" at the beginning of the first sentence of the paragraph and inserting, "Except as provided in paragraph (c) of this section, a * * *."

(2) New paragraph (c) is added:

* * * * *

(c) An insured institution whose business predominantly consists of serving persons who are active duty or retired military personnel or their dependents and who are located outside of its local community or communities, may delineate a "military community" for those customers, in addition to its local community or communities. Provisions of this part concerning local communities shall also apply to military communities, except that military communities shall be delineated by a written description rather than a map.

(Title 15 of the Financial Institutions Regulatory and Interest Rate Control Act of 1978, Pub. L. 95-630, 92 Stat. 361, et seq.; Pub. L. 95-128, 91 Stat. 1147, et seq.; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, and 407, 48 Stat. 1256, 1257 and 1260, as amended (12 U.S.C. 1725, 1726, and 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 (Comp. p. 1071))

By the Federal Home Loan Bank Board.

RONALD A. SNIDER,
Assistant Secretary.

MARCH 8, 1979.

[FR Doc. 79-9178 Filed 3-26-79; 8:45 am]

[6720-01-M]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[No. 79-201]

PART 505—AVAILABILITY AND CHARACTER OF RECORDS

Price List for Copies of Public Data

MARCH 21, 1979.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These amendments revised the Bank Board's price list for copies of financial and statistical data reported by lending institutions to the Bank Board. Such data, available to the public under the Freedom of Information Act, are priced according to the Board's estimated costs of reproduction, including equipment and manpower expenses. The amendments also broaden the description of types of information to which the price list applies and include specific charges for copies of initial transcripts of Bank Board meetings.

EFFECTIVE DATE: April 27, 1979.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street N.W., Washington, D.C. 20552 (202-377-6440).

SUPPLEMENTARY INFORMATION: By Board Resolution No. 79-8, dated January 4, 1979, the Federal Home Loan Bank Board proposed amendments to § 505.4(e) (12 CFR 505.4(e)) of its general rules and regulations for the purpose of revising the price list for preparing public copies of information made available to the public under section 505. The proposed amendments were published in the FEDERAL REGISTER on January 10, 1979, (43 FR. 2178-2179) with public comments to be received by January 31, 1979. Based on its consideration of public comments and other information available to it, the Bank Board has decided to adopt the amendments as proposed.

The proposed amendments were intended to (1) simplify § 505.4(e) and facilitate its application to additional types of information which may be made available under the regulation and (2) bring the total charges imposed under the regulation more closely into line with the Bank Board's costs in making information available

under it, while at the same time reducing charges to small users. The proposed amendments would also specify charges for initial transcripts of Bank Board meetings.

Of the three public comments received on the proposal, two respondents found the proposed charges and fees reasonable, but made additional comments outside the scope of these amendments. The third respondent urged that transcripts of Bank Board meetings be provided at 10 cents per page rather than $3.00 per page, as proposed.

The $3.00 charge represents the actual cost of transcribing material from tape recordings. Material which has been previously transcribed is provided at 10 cents per page, with provision for waiver of charges under $3.00. The Bank Board believes such charges are fair and consistent with the purposes of these amendments. However, the Bank Board has directed that waiver of the $3.00 fee under § 505.4(e)(5) be considered with respect to each request for a transcript and that the appropriateness of the fee be reviewed on a quarterly basis.

Accordingly, the Bank Board hereby amends § 505.4 by revising subsection (e) thereof to read as follows:

§ 505.4 Access to records.

* * * * *

(e) *Fees for providing copies of records.*—(1) *Statistical and financial reports of individual institutions (including unpublished aggregrates of these reports).* (i) The charges for copies of such reports are as follows:

For printed copy: Search charge of $2.00 per specific report requested (regardless of number of institutions for which data are requested) plus 30 cents a page copy charge.

For magnetic tape containing all individual institution information for a single period for a specific report:

$50.00 for Format #1 (Board's internal format, 800 or 1600 BPI, odd parity, 9 track, no label or tape mark; data recorded in Sixbit imbedded Comp.)

$150.00 for Format #2 (Universal EBCDIC, 800 or 1600 BPI, odd parity, 9 track, no label or tape mark; data recorded in EBCDIC.)

(ii) Procedure. Address all requests for statistical or financial records to: Office of Economic Research (Attention: Information Disclosure Section), Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552. Include requester's name, address, and telephone number. If requesting data for an individual institution, provide its accurate and complete name and home office address and dates for specific data requested. For geographical requests, specify county and/or state in which the institutions or offices are located as well as dates for specific data requested. Requesters will be billed for copies. No advance payment will be accepted.

(2) *Other computer or information system records.* With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested and the Director, Office of Economic Research, or his designee is authorized to determine the cost of such retrieval and production upon recommendation, where appropriate, of the Director, Information Systems Division, or his designee.

(3) *Transcripts of Bank Board meetings.* The charge for initial transcripts of Bank Board meetings shall be $3.00 per page or part thereof. This charge shall apply to all meetings open pursuant to 5 U.S.C. 552b(c) and to those portions of closed meetings which are publicly available pursuant to 5 U.S.C. 552b(f)(2).

(4) *All other records.* A person requesting access to or copies of particular records shall pay the cost of searching or copying such records at the rate of $10 per hour for searching and 10 cents per page for copying. Unless a requester states in his initial request that he will pay all costs regardless of amount, he shall be notified as soon as possible if there is reason to believe that the cost for obtaining access to and/or copies of such records will exceed $50. If such notice is given, the time limitations contained elsewhere in this Part shall not commence until the requester agrees in writing to pay such cost. The Secretary is authorized to require an advance deposit whenever in his judgment such a deposit is necessary to insure that the Board will receive adequate reimbursement of its costs. If such a deposit is required, the time limitations contained elsewhere in this part shall not commence until the deposit is paid.

(5) *Waiver of charges.* The Secretary or his designee or, where appropriate, the Director, Office of Economic Research, or his designee is authorized either to waive payment of charges under this section in instances in which total charges are less than $3.00 or to waive in full or in part such charges when unnecessary hardship would be inflicted upon the requesting person or when waiver would serve the public interest.

(Pub. L. 93-502 (5 U.S.C.552); Secs. 11, 17, 47 Stat. 733, 736, as amended; secs. 5, 402, 48 Stat. 132, 1256, as amended (12 U.S.C. 1431, 1437, 1464, 1725). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 79-9215 Filed 3-26-79; 8:45 am]

[6320-01-M]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-1111; Amdt. No. 65]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Fuel Surcharge Rate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., March 21, 1979.

AGENCY: Civil Aeronautics Board.

ACTION: Final Rule.

SUMMARY: This final rule establishes a 1.40 percent fuel surcharge rate applicable to the minimum military charter rates (ER-1045, December 27, 1977) for foreign and overseas air transportation services performed for the Department of Defense (DOD) and procured by the Military Airlift Command (MAC). This surcharge amendment is triggered by an increase in the average fuel price for the participating MAC carriers of 2.34 cents per gallon—from 41.31 cents per gallon to 43.65 cents per gallon.

DATES: Adopted: March 21, 1979. Effective: March 21, 1979.

FOR FURTHER INFORMATION CONTACT:

James E. Gardner, Domestic Fares and Rates Division, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, Phone: 202-673-5364.

SUPPLEMENTAL INFORMATION: As indicated in ER-1024 (42 FR 58902, November 11, 1977), dated November 3, 1977, the Board monitors fuel price changes and will establish a fuel surcharge rate adjustment when the average price of fuel for participating MAC carriers changes one cent or more per gallon. ER-1088, effective December 21, 1978, established a fuel surcharge of 0.37 percent based on October 1978 data.

The Board has completed its review of the latest available fuel cost data as reported on C.A.B. Form 41, Schedule P-12(a) for foreign and overseas MAC air transportation services for the month of January 1979, and is estab-

lishing surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1] The basis for issuing this surcharge amendment is the increase in average fuel price for the participating MAC carriers of 2.34 cents per gallon—from 41.31 cents per gallon reflected in the currently effective base rates to the latest reported average price of 43.65 cents per gallon.

The attached Appendix sets forth the results of the surcharge rate computation for the reported fuel price changes for commercial and military fuels consumed in military charter service for the month of January 1979, and the rate impact of the changes in current average fuel prices from those reflected in the base rates. Accordingly, we will establish the fuel surcharge rate applicable to the current base final rates, effective March 21, 1979 to increase the Category B and Category A rates by 1.40 percent.

In view of the present need for a fuel surcharge to the minimum rates set forth in Part 288, we find good cause exists to make these amendments effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board amends Part 288 of its Economic Regulations (14 CFR Part 288) effective March 21, 1979 as follows:

1. Amend § 288.7(a) by amending the paragraph following the tables so as to reflect an additional proviso, the amended paragraph to read as follows:

§ 288.7 Reasonable level of compsensation.

* * * * *

(a) * * *
(1) * * *
(2) * * *

* * * * *

Provided, That subject to the provisions of § 288.8, the minimum rates set forth above shall not be applicable to passengers or cargo carried on a particular trip in excess of the amount that the contract calls for DOD to supply and the carrier to provide space: *And provided further,* That if a carrier performs a one-way charter flight carrying nonmilitary traffic for a nonmilitary user, the carrier may charter the return flight of that aircraft to DOD at a published one-way charter traffic rate that is in fact available to the general public for equivalent services: *Provided, however,* That effective March 21, 1979 the total minimum conpensation pursuant to the rates set forth in subparagraph (1) above for services performed with regular jet, wide-bodied jet and DC-8-61/63 aircraft shall be increased by a surcharge of 1.40 percent.

2. Amend § 288.7(d) (1) and (2) to add a proviso and to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(d) * * *
(1) * * *
(2) * * *

Provided, That effective March 21, 1979 the total minimum compensation pursuant to the rates specified in subparagraphs (1) and (2) of this paragraph shall be increased by a surcharge of 1.40 percent.

* * * * *

(Secs. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758 and 771, as amended (49 U.S.C. 1324, 1373 and 1386).)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[2]
Secretary.

[1] This and future surcharge amendments will be made applicable to the minimum MAC rates established in ER-1045, effective December 27, 1977, until such time as new final base rates are established.

[2] All Members concurred.

MAC LONG-RANGE CARRIERS
Computation of Fuel Surcharge Based on
January 1979 P-12(a) Fuel Data Reports

Carrier	January 1979 P-12(a) Data: Cost	Gallons	Avg. Cost Per Gallon	Price Per Gallon Used in Latest Surcharge Computation 1/	Currently Effective Base Average Price 2/	Percent Price Increase (Decrease) Current/Base	Fuel Cost as a Percent of Total Economic Cost 3/	Fuel Price Change Impact on Base Economic Costs	Rate Impact Weighting Factor 4/	Base Rate Impact For Fuel Price Change
Airlift	$ 475,533	1,046,718	45.43¢	42.69¢	45.68¢	(0.55)%	37.25%	(0.20)%	4.38%	(0.009)%
Capitol	70,111	162,124	43.25	42.51	38.96	11.01	32.36	3.56	1.49	0.053
Flying Tiger	869,447	2,051,874	42.37	42.60	40.32	5.08	27.81	1.41	18.91	0.267
Northwest	91,969	215,561	42.66	41.96	40.69	4.84	29.34	1.42	16.82	0.239
Pan American	10,612	23,148	45.84	42.00	41.21	11.24	24.27	2.73	25.95	0.708
Seaboard	235,751	542,486	43.46	42.04	45.98	(5.48)	32.23	(1.77)	9.81	(0.174)
Trans Int'l.	572,715	1,340,132	42.74	42.46	40.65	5.14	30.01	1.54	13.07	0.201
World	1,168,152	2,622,806	44.54	42.23	42.83	3.99	29.50	1.18	9.57	0.113
Totals	$3,494,290	8,004,849	43.65¢	42.39¢	41.31¢		28.51%		100.00%	1.398%

1/ ER-1088, Appendix A.
2/ Average per gallon fuel costs used in determing currently effective base rates (ER-1045) as set out in ER-1024.
3/ ER-1088, Appendix B.
4/ ER-1088, Appendix D.

[FR Doc. 79-9214 Filed 3-26-79; 8:45 am]

[6351-01-M]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 15—REPORTS—GENERAL PROVISIONS

Adoption of Amendments to the Reporting Requirements

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission ("the Commission") has found that the growth in trading volume, open interest, and account size of individual traders in certain markets enables the Commission to carry out its market surveillance program with fewer reports from futures commission merchants, foreign brokers and traders.

Accordingly, as part of its ongoing efforts to eliminate any unnecessary reporting requirements, the Commission has adopted amendments to its reporting regulations under the Commodity Exchange Act, as amended ("Act"), to raise the position levels in certain commodities at which series '03 reports and Form 40's must be filed by traders and series '01 reports and Form 102's must be filed by futures commission merchants ("FCM's") and foreign brokers.

The intended effect of this action is to alleviate an unnecessary reporting burden on the public and to reduce the amount of paperwork processed by the Commission.

EFFECTIVE DATE: April 1, 1979.

FOR FURTHER INFORMATION CONTACT: Wayne L. Olson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581, Telephone (202) 254-3312.

SUPPLEMENTARY INFORMATION: Reporting levels are set in various commodities to ensure that the Commission receives adequate information to carry out its market surveillance programs, which include detection and prevention of market congestion and price manipulation and enforcement of speculative limits. [1] Generally, Parts 17 and 18 of the Regulations require reports from FCM's or foreign brokers and traders respectively when a trader holds a "reportable position," i.e., the open positions held or controlled by the trader at the close of business in any one future of a commodity traded on any one contract market equal or exceed the quantities fixed by the Commission in § 15.03(a) of the Regulations.

Traders who attain a "reportable position" are required to report on a series '03 report all positions the trader owns or controls as well as trades and deliveries in the subject commodity. In addition, the trader must file a Form 40 giving certain biographical information. FCM's and foreign brokers who carry accounts in which there are "reportable positions" of traders are required to identify such traders on a Form 102 and report on the series '01 forms, positions carried for each trader that equal or exceed the reporting level in any commodity.

The Commission has determined that the growth in trading volume, open interest, and account sizes of individual traders in certain markets enables the Commission to maintain effective surveillance of those markets with fewer reports from FCM's, foreign brokers and traders public. Accordingly, as part of its ongoing efforts to eliminate any unnecessary reporting requirements, the Commission has determined that reporting levels should be raised for the following commodities: in soybean meal, soybean oil, gold bullion, copper and live cattle from 50 contracts to 100 contracts; in silver bullion, from 100 contracts to 250 contracts. Reporting levels in all other commodities are not changed. In selecting the new levels, the Commission has considered that it receives information for surveillance purposes on both the series '01 and '03 reports. If, at a later date, the Commission eliminates series '03 reports as it is considering (see e.g., 41 FR 30350 (July 23, 1976); 42 FR 62147 (December 9, 1977); 43 FR 60146 (December 26, 1978)), the Commission may find it necessary to reconsider the reporting levels for some commodities to ensure that it has sufficient data for the operation of an effective market surveillance program. Reporting levels at which merchants, processors, dealers and traders with bona fide hedging positions as defined in § 1.3(z), 17 CFR § 1.3(z) (1978), in certain commodities must file series '04 reports are unaffected by these amendments (see Regulation 15.03(b), 17 CFR § 15.03(b) (1978), as amended, 43 FR 45828-29 (October 4, 1978)).

In consideration of the foregoing, the Commission, pursuant to its authority under sections 4g(1), 4i, and 8a(5) of the Act, 7 U.S.C. 6g(1), 6i and 12a(5) (1976), hereby amends Part 15 of Chapter I of Title 17 of the Code of Federal Regulations by revising § 15.03(a) as follows:

§ 15.03 Quantities fixed for reporting.

(a) The quantities fixed for the purpose of reports filed under Parts 17 and 18 of this Chapter are as follows:

Commodity:	
Wheat (bushels)	500,000
Corn (bushels)	500,000
Soybeans (bushels)	500,000
Oats (bushels)	200,000
Rye (bushels)	200,000
Barley (bushels)	200,000
Flaxseed (bushels)	200,000
Soybean oil (contracts)	100
Soybean meal (contracts)	100
Live cattle (contracts)	100
Sugar (contracts)	50
Copper (contracts)	100
Hogs (contracts)	50
Gold (contracts)	100
Silver bullion (contracts)	250
Silver coins (contracts)	50
Cotton (bales)	5,000
All other commodities (contracts)	25

* * * * *

The foregoing amendment is adopted effective April 1, 1979. The Commission finds that the foregoing action relieves a burden heretofore imposed and therefore, that the notice and other public procedures called for by 5 U.S.C. 553 are not required.

Issued in Washington, D.C., on March 21, 1979, by the Commission.

READ P. DUNN, Jr.,
Commissioner, Commodity Futures Trading Commission.

[FR Doc. 79-9196 Filed 3-26-79; 8:45 am]

[8010-01-M]

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15028]

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Delegation of Authority to Director of Division of Enforcement

AGENCY: Securities and Exchange Commission.

ACTION: Correction.

SUMMARY: This document corrects FR Doc. 78-23116 appearing at page 36621 in the FEDERAL REGISTER of August 18, 1978, by adding the statutory authority pursuant to which the action announced in Securities Exchange Act Release No. 34-15028 was taken. That statutory authority for the addition of paragraph (a)(5) to § 200.30-4 is Pub. L. No. 87-592, 76 Stat. 394 (15 U.S.C. 78d-1, 78d-2).

[1] The following commodities are those for which Commission speculative limits are in effect: wheat, grains (including oats, barley and flaxseed), corn, soybeans, rye, eggs, cotton, and potatoes. 17 CFR Part 150, as amended, 44 FR 7127-8, February 6, 1979.

DATE: March 21, 1979.

FOR FURTHER INFORMATION CONTACT: Michael F. Perlis, Esquire, Assistant Director, Division of Enforcement, Securities and Exchange Commission, Washington, D.C. 20549, (202) 755-1650.

MARCH 21, 1979.

SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 79-9183 Filed 3-26-79; 8:45 am]

[6450-01-M]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. RM75-27]

SUBCHAPTER F—ACCOUNTS, NATURAL GAS ACT

Correction

AGENCY: Federal Energy Regulatory Commission.

ACTION: Errata notice to final rule.

SUMMARY: The errata notice amends a final rule issued by the Commission on February 2, 1977, which adopted amendments to the Uniform System of Accounts relating to allowance for funds used during construction. The correction adds a sentence that was in the regulation before it was amended and was not intended to be deleted.

FOR FURTHER INFORMATION CONTACT:

Kenneth F. Plumb, Secretary, 825 North Capitol St., N.E., Washington, D.C. 20426; 202-275-4166.

SUPPLEMENTARY INFORMATION: The second sentence of the first paragraph of subparagraph "(17) Allowance for Funds Used During Construction" of Gas Plant Instruction "3. *Components of Construction Cost,*" was inadvertently omitted (42 FR 9165, February 15, 1977, first column, line 3). Accordingly, the first paragraph of subparagraph (17) shall read as follows:

GAS PLANT INSTRUCTIONS

* * * * *

* * * * *

2. *Components of Construction Cost.*

* * * * *

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, not to exceed without prior approval of the Commission allowances computed in accordance with the formula prescribed in paragraph (a) below, except when such other funds are used for exploration and development or leases acquired after October 7, 1969, no allowance on such other funds shall be included in these accounts. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned.

* * * * *

Dated: March 19, 1979.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9260 Filed 3-26-79; 8:45 am]

[4110-07-M]

Title 20—Employers' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 4, 16]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Subpart P—Rights and Benefits Based on Disability

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart I—Determination of Disability or Blindness

REVISED MEDICAL CRITERIA FOR THE DETERMINATION OF DISABILITY

AGENCY: Social Security Administration, HEW.

ACTION: Final Rule.

SUMMARY: These regulations revise the medical evaluation criteria for both the title II and title XVI disability programs. We last revised these criteria in 1968. The revisions reflect advances in the medical treatment of some conditions and in the methods of evaluating certain impairments. They provide current medical criteria for use in evaluating disability claims in these two programs.

DATES: March 27, 1979.

ADDRESSES: Comments on these regulations may be submitted at any time to the Commissioner of Social Security, Department of Health, Education, and Welfare, P.O. Box 1585, Baltimore, Md. 21203.

FOR FURTHER INFORMATION CONTACT:

Harry Short, Legal Assistant, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-7415.

SUPPLEMENTARY INFORMATION: On July 12, 1978, a Notice of Proposed Rulemaking with proposed amendments to subpart P of regulations No. 4 and Subpart I of regulations No. 16 was published in the FEDERAL REGISTER (43 FR 29955).

THE PROGRAMS

The Social Security Act provides, under title II, for the payment of Federal disability insurance benefits to disabled individuals who are insured under the Social Security Act. The Act also provides, under title XVI, for the payment of benefits under the Supplemental Security Income program (SSI) to persons who are blind or disabled and who do not have income and resources at the established Federal minimum level. Under both programs blindness means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. We consider an eye in which the field of vision is limited so that the widest diameter of the visual field subtends an angle no greater than 20 degrees to have a central visual acuity of 20/200 or less. Disability under both programs (except for widow(er) benefits under title II and children under age 18 under title XVI) means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of at least 12 months.

From the beginning of the disability program in 1955, we have had a list of medical impairments with sets of signs, symptoms and laboratory findings which, if present in a person applying for disability benefits, are sufficient to justify a finding that he or she is disabled, unless there is evidence to the contrary. These criteria are known as the Listing of Impairments (the Listing) and are contained in the current regulations of the Social Security Administration (SSA) as in appendix to Subpart P of Part 404 (regulations relating to disability under title II) and as an appendix to Subpart I of Part 416 (regulations relating to disability and blindness under title XVI).

The Listing includes medical conditions frequently found in people who file for disability benefits. It describes for each of the 13 major body systems, impairments that are severe enough to prevent a person from engaging in substantial gainful activity and which may be expected to result in death or

which have lasted or can be expected to last for a continuous period of not less than 12 months. From time to time we review and revise the Listing to reflect advances in medical treatment of some conditions and in the methods of evaluating certain impairments. We last revised the Listing in 1968, and added it to our regulations at that time.

How We Use the Listing

Since the Listing contains the medical criteria we use for evaluating disability it is an essential tool in the disability evaluation process. When we determine whether or not a person's impairment constitutes a disability, we normally follow a sequential evaluation process. We do not apply this process to claims involving statutory blindness under either program, title II claims from widow(er)s, or SSI claims by children under age 18. This process consists of 5 steps as follows:

(1) If the person is actually doing substantial gainful activity, we determine that he or she is not disabled no matter how severe his or her impairment(s) may be.

(2) If a person does not have any impairment(s) which significantly limits physical or mental capacity to perform basic work-related functions, we determine that he or she does not have a severe impairment and is not disabled, without considering the person's age, education and work experience.

(3) If a person is not actually doing substantial gainful activity and has an impairment(s) that is described in the Listing or has one or more impairments which is medically equal to one of the listed impairments, we may determine, without considering the person's age, education and work experience, that the person is disabled.

(4) If a person is not actually doing substantial gainful activity but has a severe impairment which does not meet or medically equal any of the listed impairments, we evaluate the person's residual functional capacity and consider the physical and mental demands of his or her past work. If we find that the person can do his or her past work, we determine that the person is not disabled.

(5) If a person cannot do any work that he or she did in the past because of a severe impairment(s), but has the physical and mental capacities to meet the demands of a significant number of jobs in the national economy and is able (considering the person's age, education, and past work experience) to perform work different from that done in the past, we determine that the person is not disabled. If, however, the person's physical or mental capacities, together with the factors of age, education, and past work experience do not permit an adjustment to work different from work the person did in the past, we determine that the person is disabled.

We do not use the sequential evaluation process when we evaluate blindness claims since blindness is defined by statute. We also do not use the sequential evaluation process when we evaluate title II widow(er) claims or SSI claims by children under age 18 since, to determine the question of disability in these claims, we consider only the person's physical or mental impairments.

Purpose of the Listing

Use of the Listing should insure that determinations have a sound medical basis, that we will be able to treat all persons applying for disability benefits equally, and that we will be able to readily identify the majority of persons who are unable to do any gainful activity. The Listing describes a level of severity which permits us to reasonable conclude that a person who has an impairment described in the Listing and who is not working, is unable to work because of that impairment. Thus, if a person's impairment or combination of impairments equals or exceeds the level of severity described in the Listing, we find that he or she is disabled on the basis of the medical facts, unless we have evidence to the contrary; for example, evidence that the person is actually doing substantial gainful activity.

Comments Received Following Publication of the Notice of Proposed Rulemaking

After publication of the Notice of Proposed Rulemaking, we received over fifty letters on the proposed medical criteria. The majority were from people and organizations whose responsibilities and interests give them some expertise in the evaluation of impairments. Many were from sources with specialized backgrounds and were quite detailed.

A number of the letters included several comments on the criteria within a particular body system, and some contained multiple comments on several body systems. Most of the comments we received concerned the specific evaluation criteria for particular impairments within the 13 body systems.

We have carefully considered all comments and have adopted many of them in whole or in part. These changes are identified in the discussion that follows and, where applicable, under the appropriate body system. Some were not adopted merely because of the nature and limitations of the medical criteria. The evaluation criteria are limited to those characteristics of any medical condition that occur frequently and consistently and at a level of medical severity that supports a determination of disability without taking into consideration the nonmedical factors of age, education, and work experience. Important aspects of many medical conditions cannot be reduced to this type of criteria.

At the end of the discussion for each body system, we discuss any additional changes we have made that were not in the Notice of Proposed Rulemaking and that do not relate to specific public comments. These changes were added as a result of discussions among our medical staff and consultants that arose from publication of the NPRM and consideration of the public comments. We believe these changes are consistent with others we are making and should not cause delay in the issuance of the final Listing. We believe that it would be contrary to public interest not to adopt the updated Listing at this time and we have found good cause to waive rulemaking procedures under section 553(b) of the Administrative Procedure Act for those changes. The Listing should be put into immediate effect so the advances in medical knowledge and technology that it includes can be used in the evaluation of disability claims. We plan to update the Listing in the future as we become aware of medical advances useful in disability evaluation. We appreciate and invite comments and suggestions from the public at any time regarding changes in the Listing.

We have renumbered certain sections of the appendices to correspond with the numbers of the sections for similar impairments in Part B of the Listing of Impairments in Appendix 1 of Subpart I of Part 416. Part B contains additional medical criteria for the evaluation of impairments for children under the age of 18 and, as we described in § 416.906(b), we are committed to maintaining a numbered relationship between these two sets of medical criteria. We have omitted numbers in the sequence for some body systems in both sets of criteria so that we can maintain the same numbers for each.

A discussion of the comments that were unrelated to the evaluation of specific impairments follows our discussion of the comments and changes in the 13 body systems.

1. Musculoskeletal System

Changes We Proposed in the Notice of Proposed Rulemaking

We added to the introduction a detailed discussion of the proper documentation and adjudicative principles to be used in cases involving intervertebral disc disease, which is the broad area under which nerve root compression is considered. We retitled § 1.07,

"Intervertebral disc disease (persistent)", to clarify the connection between this listing and the information in the introduction to this body system. We removed the requirement that persistent, active rheumatoid arthritis be documented by X-ray findings. We included criteria for evaluation of the residual impairment because of arthritis, whether from osteoarthritis or rheumatoid arthritis. We wrote separate sections for adjudication of the chronic arthritic impairments as they affect the upper or lower extremities. We clarified the requirements for osteoporosis. We eliminated specific requirements for tuberculosis of the spine or joints, since the residual impairment may be evaluated by referring to the criteria for arthritis or osteomyelitis.

Comments and changes

Comment: One commenter questioned the value of using a positive serologic test for rheumatoid factor when evaluating rheumatoid arthritis, since this factor is not positive in many persons who have this condition.

Response: The commenter's statement is correct. However, the rheumatoid factor is only one of three tests that may be used. Another test proposed in the Notice of Proposed Rulemaking is the elevated sedimentation rate. We have now added antinuclear antibodies as a third test. We require that only one of the three tests be met in addition to multiple joint involvement to justify a finding of rheumatoid arthritis.

Comment: This commenter also stated that our criteria for arthritis of the spine are incorrect because most patients with ankylosing spondylitis, one of the described conditions, are able to carry on their ordinary work.

Response: We agree that many people with this condition are able to work. However, we do not evaluate the severity of an impairment solely on a diagnosis. The criteria for this condition apply to people who have fixation of the spine at an extremely unfavorable angle, that is, at 30 degrees or more forward of the neutral upright position.

Comment: One letter included a comment that under the revised Listing we now require more particular and continuous abnormal findings for back cases.

Response: It is true that the revised introduction to this body system gives a more detailed description of the findings required to evaluate the impairment resulting from all vertebrogenic disorders, including intervertebral disc disease. This increased emphasis on detailed neurological and orthopedic findings is a result of program experience which shows that these findings are essential to confirm a diagnosis, to determine remaining physical function, and to arrive at a reasonable judgment on expected duration. The findings and clinical history referred to in the introduction to this body system are consistent with the examination findings that should be obtained during the evaluation and treatment of these back conditions.

ADDITIONAL CHANGES

We explained in the introduction that reports of atrophy of the hand muscles do not require measurements of the atrophy but do require measurements of grip strength. We deleted subsection C of § 1.03, which provided for the evaluation of an immobile knee joint fixed at an unfavorable angle. Our program experience shows that this condition is rarely found alone, and that it can be evaluated under the other criteria in this section. We renumbered the back conditions in §§ 1.05, 1.06, and 1.07 under the single major heading of § 1.05—Disorders of the spine—to show a more logical relationship between the findings and the site of the back pathology described. We divided the former § 1.12 into two sections—§ 1.12 dealing with fractures of an upper extremity, and § 1.13 dealing with surgical procedures for the salvage or restoration of major function after severe soft tissue injury to an upper or lower extremity.

2. SPECIAL SENSES AND SPEECH

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We added a statement that tangent screen visual fields are not acceptable as a measurement of peripheral field loss. In the section on otology, we provided specific requirements for documentation, and we defined "high volume" in terms of specific decibel levels. We added a section on deaf mutism. We also expanded the discussion on disturbances of the labyrinthine-vestibular function, and we clarified the criteria. We added specific criteria for organic loss of speech, including laryngectomy.

Comments and changes

Comment: We received comments from a national association concerned with speech and hearing handicaps. These comments included a detailed discussion of the technical standards for audiometric equipment, the acceptable standards for persons performing audiometric testing, and the conditions necessary for optimal testing of speech discrimination. Other commenters, including several State rehabilitation agencies, raised a number of these same points.

Response: We have, for the most part, adopted these comments and they are now reflected in the technical specifications in § 2.00B.

Comment: We received several comments which pointed out that multiple factors can affect the ability of a person with impaired hearing to make a vocational adjustment. For example, those who receive early diagnosis and training are more likely to develop a capacity to work.

Response: While these additional factors are important to the evaluation of disability, they are not included in the medical evaluation criteria because they are not medical factors. We consider factors that affect vocational adjustment to determine whether disability exists in those cases where the medical criteria of the Listing are not met.

Comment: We received a comment on the measurement of hearing impairments, which stated that our criteria should specify that audiometers be calibrated at least once a year.

Response: Our regulations refer to many types of testing equipment whose accuracy depends on periodic maintenance and monitoring. However, we believe that it is outside the scope of these regulations to cite standards of maintenance.

Comment: This commenter also stated that we should require people with hearing impairments to have other impairments before they can become eligible for disability benefits. The commenter pointed out that a person with severely impaired hearing may otherwise be in good general health and more able to overcome the impairment than persons with other impairments.

Response: We have retained severe loss of hearing in the Listing. The criteria for all of the listed impairments assume that there is a point of severity reached for each impairment at which it is unproductive and inequitable to further investigate and question a person's ability to work. The hearing loss criteria reflect that point of severity. The criteria for some impairments may describe situations where it is easier for persons with those impairments to make vocational adjustments than for persons with other impairments. We agree with the commenter that a person who suffers only severely impaired hearing may have the advantage of general good health, which should provide an opportunity and the motivation to acquire skills or education to overcome the impairment more easily than persons who have some of the other listed impairments. Even so, this is not inconsistent with keeping severe hearing loss as a listed impairment. Also, a severe impairment of one physical or mental faculty must necessarily impair other faculties and abilities; for instance, severe hearing loss often significantly impairs the ability

to communicate required in many jobs.

Comments: We received several comments pointing out that, unlike the other evaluation criteria, the term "deaf mutism" is merely a syndrome designation, presented without either measurable criteria or guides providing a structured approach to the evaluation of this condition.

Response: In response to these comments, we have deleted the term "deaf mutism" from the criteria in § 2.08. As was implied by the comments, use of this term is inconsistent with the intent of the evaluation criteria. Its deletion will not disadvantage applicants who have a combined loss of speech and hearing since they can be evaluated under other sections, as explained in the introduction.

ADDITIONAL CHANGES

We also changed the part of the introduction on the measurement of visual fields. This change broadens the acceptable means of field measurement by stating that perimetric devices comparable to the one in the listing (3 mm. white disc target at 330 mm.) may also be used.

3. RESPIRATORY SYSTEM

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

Since evidence of the activity of pulmonary tuberculosis (e.g., positive cultures, increasing lesions, or cavitation) is no longer considered a sound basis for establishing disability, we made a major change in the listing for tuberculosis. Specifically, we revised the criteria to provide that impairment caused by tuberculosis will be determined on the basis of (1) the resulting impairment to pulmonary function, or (2) the complications and abnormal clinical findings which may be present in a rare case of persistent pulmonary infection. We changed the requirement for determining arterial oxygen saturation in § 3.04C, Table III, to the more appropriate criteria of oxygen tension (arterial pO2). We removed Listing § 3.10, Organic Loss of Speech, from the Respiratory System and placed it under § 2.00, Special Senses and Speech.

Comments and changes

Comment: One commenter suggested that cystic fibrosis should be listed as a potentially disabling impairment. This commenter pointed out that while cystic fibrosis is usually associated with children, there are some adults who have this condition.

Response: This is quite true. However, the Listing is not intended to exclude an evaluation of any condition (even though not specifically listed) which results in chronic obstructive airway disease. We have therefore deleted any reference to specific diseases and have instead noted that this section should be used when chronic obstructive airway disease results from any cause.

Comment: This same commenter noted that the criteria for obstructive airway disease do not contain values obtained from the maximum midexpiratory flow rate. These values, the commenter pointed out, are used by many doctors who treat patients who have cystic fibrosis.

Response: The commenter's statement may be accurate. However, the spirometric values we provide in the criteria for obstructive airway disease are the values called for by the test which is the most widely used and whose results are the most easily obtained and interpreted by most physicians.

Comment: Another commenter stated that the new criteria for pulmonary tuberculosis include only the impairment to a person's pulmonary function. The commenter feels this is too restrictive because it eliminates the criteria for predicting that tuberculosis will remain active for 12 months.

Response: This is true. However, because of advances in the treatment of tuberculosis it is no longer realistic to presume that pulmonary tuberculosis will remain active for 12 or more months. However, the material in the introduction to this system makes it clear that, in a rare case where mycobacterial infection persists for a period closely approaching 12 months, we may determine a person to be disabled on the basis of limitations caused by the continuing infection.

ADDITIONAL CHANGES

We expanded the criteria for bronchial asthma to provide a more uniform approach in the evaluation of recurrent, severe attacks that may, in themselves, be disabling. We replaced the statement that the reported maximum voluntary ventilation (MVV) should be the largest of at least three attempts by a statement that evaluation can be based on the value obtained from a single satisfactory performance. We expanded the introductory statement on the obtaining of spirometric values before or after administration of nebulized bronchodilators because the use of nebulized bronchodilators is the best method of determining whether the test values are adversely affected by a pulmonary condition that is temporary, episodic, or reversible by medical treatment. We deleted (in § 3.09B) the reference to the time during which the culture of specific organisms must be obtained to focus these criteria on the requirement of current x-ray evidence and hemoptysis.

4. CARDIOVASCULAR SYSTEM

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We combined the criteria dealing with ischemic heart disease, which were contained under five separate listing numbers, all of which require common symptoms, into one listing. We clarified the previous reference to "chest discomfort on effort" to show the requirement of angina pectoris or specific chest pain of cardiac origin. We also provided criteria for exercise tolerance testing and explained that treadmill testing is the method we prefer. We provided specific examples of medication or clinical findings which limit the use of findings from a resting or an exercise electrocardiogram under the Listing. We also provided specific criteria for "obstruction or narrowing" of coronary vessel(s) on angiography. We provided more definite criteria for evaluating congestive heart failure, aortic aneurysm, and peripheral vascular disease.

Comments and changes

Comment: One letter, from a professional society concerned with the treatment of heart disease, dealt with the need to base the evaluation of disability on demonstrated capacity to tolerate physical exertion without developing symptoms or ECG abnormalities. It also pointed out that many people are able to return to full activity following convalescence from a myocardial infarction, and that controlled exercise tests are now available to evaluate exertional tolerance. By using these tests, this commenter believes we would be able to determine more accurately the types of work a heart patient may still be able to perform.

Response: This comment reinforces a longstanding concern we have had. The criteria for this body system proposed in the NPRM and presented in these final regulations are revisions of criteria that were used in the early years of the disability program. The earlier criteria attempted to allow for determination of exertional capacity by clinical history—that is, on the claimant's own description of the types and amount of activity that he or she could tolerate without developing cardiac symptoms. We found this to be unobtainable in some cases, contradictory in others, and always highly subjective and difficult to interpret.

We favor the approach advocated by this commenter. However, before we can fully incorporate exercise testing in the criteria, we need more information on the availability and costs of these procedures in all areas of the

nation. We must also consider the possible individual exceptions to this approach. Therefore, we have not adopted this suggestion at this time. We do, however, recognize the significance of the results of exercise tests. Under the revised criteria we will evaluate exercise tests which were given during the course of medical treatment, or we will purchase them in cases in which the other evidence does not confirm ischemic heart disease. This is now explained in the introductory section. This revision will lead to more equitable decisions in cases where exercise tests are now available.

Comment: This commenter also suggested that there be some reference to persons who have reduced cardiac output without signs of vascular congestion and that the section on exercise testing mention acceptable exercise protocols in addition to the one in the Listing (the Bruce protocol).

Response: We adopted both suggestions. We revised the introductory section on congestive heart failure to show that at the time of adjudication signs of vascular congestion need not be continuing in all cases, and to show the Bruce protocol as an example of acceptable standard protocols.

Comment: The other commenter is concerned that the revised cardiovascular section appears to require more specificity regarding chest pains and more documentation.

Response: The commenter is correct. We expanded the discussion of the significance of chest pain and related findings in the revised introduction. However, the expansion is primarily concerned with the approach to and interpretation of findings, rather than the need for additional findings or other evidence.

ADDITIONAL CHANGES

We expanded the discussion of the significance of the electrocardiogram findings obtained during exercise tests. Since the last revision of the Listing, there has been a marked increase in the use of exercise tests. This increase is due, for the most part, to treatment which emphasizes returning heart patients to the highest level of activity safely permitted by their conditions. There is now a greater understanding of the significance of findings obtained during exercise, and we expanded the introduction to this body system to address this, rather than to set up additional evaluation criteria that are not related to current approaches to the treatment of heart disease.

5. DIGESTIVE SYSTEM

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We added to the introduction a discussion to help decide whether a gastrointestinal impairment may be expected to last at least 12 months. In the Listing for chronic liver disease we inculded criteria where cirrhosis of the liver has not been established by liver biopsy and certain additional criteria where it has been established by liver biopsy. We added a criterion to establish recurrent upper gastrointestinal hemorrhage from undetermined cause. We wrote more specific criteria for peptic ulcer disease, and we clarified the criteria for chronic ulcerative colitis, regional enteritis, and weight loss.

Comments and changes

Comments: We received no public comments on this body system.

ADDITIONAL CHANGES

We changed the criteria for the evaluation of liver disease. We eliminated the reference to hepatic coma because it usually occurs at a level of severity well beyond that represented by the other criteria in this section. A person who experiences hepatic coma will have already demonstrated one or more of the other specified findings.

6. GENITO-URINARY SYSTEM

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We added specific criteria for determining the presence of chronic renal disease. To provide a realistic level of abnormality, we added a specific serum creatinine level and we changed the requirement for BUN (blood urea nitrogen) from 30 to 50mg. per deciliter (100 ml.). We added criteria to evaluate claims involving periodic renal dialysis and kidney transplant.

Comments and changes

Comment: One commenter believes that there is a possible oversight in the renal dialysis criteria because the criteria do not mention the difficulties which dialysis patients may have working a normal 8-hour day.

Response: Persons who require periodic dialysis because of chronic kidney disease do meet the medical requirements for a finding of disability. Thus, it is unnecessary to make an individual judgment on whether these severely impaired persons may be able to adjust to work.

ADDITIONAL CHANGES

As we explained in the Notice of Proposed Rulemaking, we changed the BUN value from 30 to 50 mgs. per deciliter. Raising this value, however, was an imperfect solution. The BUN is not the most reliable index of kidney function. Although use of a higher level may exclude those persons who have few symptoms or limitations it may also exclude others who have severe limitations that should be evaluated by established medical criteria. While we received no comments on the increased BUN level, we consulted with several physicians specializing in the treatment of kidney disease. As a result of these discussions we concluded that more discrete kidney function tests are now available and that it is no longer desirable to provide for the BUN in the criteria as an option. We therefore eliminated the BUN test and added other signs of severe kidney disease. We believe these will have much broader applicability than the prior criteria that placed greater reliance on laboratory tests alone. In addition, we revised and placed the criteria for impaired renal function in a single subsection (§ 6.02C).

We also revised the criteria for nephrotic syndromes. These criteria require severe anasarca (generalized edema), in combination with widely used laboratory tests for kidney filtration, as the clinical sign of severe nephrosis. We added more introductory material to explain the revised criteria for nephrotic syndromes. We also eliminated § 6.03, which deals with renal impairments that result from permanent diversion because we can more properly evaluate severe renal impairments from this cause under § 6.02C.

7. HEMIC AND LYMPHATIC SYSTEM

CHANGES PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We added the need for frequent blood transfusions to the criteria under § 7.02—Chronic Anemias. We deleted the former separate Listing for hemolytic anemia so that we may evaluate this impairment under the general criteria for chronic anemia.

Instead of including sickle cell disease under hemoglobinopathies, we listed sickle cell disease as a separate heading. We also changed the criteria from hemolytic crises with a drop in hemotocrit to the occurrence of painful (thrombotic) crises as a possible indicator of the severity of the disease. We also added criteria which take into account the occurrence of episodes of related severe disease or impairments of other body systems. The revised criteria for acute leukemia provide for a finding of disability for 2½ years from the time of initial diagnosis. Although very few adults now survive that long, we did this so that the criteria will be applicable in the future when there will likely be improved response to therapy. Persons who survive beyond that time may no longer be disabled and their claims require further evalu-

ation. We changed the criteria for chronic leukemia to refer to other criteria in the Listing. We transferred myeloma from § 13.00—Neoplastic Diseases, Malignant, and added more definite criteria. We also added criteria for chronic granulocytopenia and chronic thrombocytopenia and clarified the criteria for hereditary telangiectasia, coagulation defects, myelofibrosis (previously titled "chronic bone marrow failure"), and macroglobulinemia.

Comments and changes

Comment: We received one comment. The commenter was concerned that the requirements for evaluating hemophillia would result in the improper denial of benefits to young children.

Response: The commenter was apparently unaware of the supplementary Listing for children in the Appendix to Subpart I of Part 416. The additional medical criteria for evaluating impairments of children under age 18 are used when the criteria in the "adult Listing" do not give appropriate consideration to the particular disease process in childhood.

Comment: This commenter was also concerned that people with congenital platelet disorders such as Glanzmann's disease or hemophilia with antifactor VIII antibodies are not covered by the medical criteria in this section.

Response: This is true. The Listing criteria are intended to identify the more commonly occurring impairments shown in applications for social security disability benefits. However, if a person's impairment is not specifically described in these medical criteria, we decide whether the impairment is medically equal to a listed impairment or whether the impairment would otherwise prevent the person from doing substantial gainful activity.

ADDITIONAL CHANGES

We modified § 7.06B to recognize the significance of intercranial bleeding due to chronic thrombocytopenia during the 12 months prior to adjudication rather than merely in the period from alleged onset to adjudication.

8. SKIN

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We expanded this section to provide specific criteria for several more skin disorders, including psoriasis, atopic dermatitis, and deep mycotic infections.

Comments and changes

Comment: We received one comment. The commenter believes we are making it more difficult to establish disability for skin diseases because of our statement that these diseases, when properly treated, are rarely disabling.

Response: This comment apparently resulted from a misunderstanding. We removed this statement in the Notice of Proposed Rulemaking even though it is our esperience that skin diseases are rarely disabling. We emphasized that response to treatment is an important consideration. We believe this factor is medically valid. Its purpose is to caution against making a determination of disability when the only impairment is a skin condition that can be expected to improve and not to last for at least 12 months.

9. ENDOCRINE SYSTEM

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

The only change we made was to clarify the criteria for diabetic retinopathy.

Comments and changes

Comment: We received no comments on this system.

ADDITIONAL CHANGES

We made two revisions. We deleted the section for evaluating adrenal cortical insufficiency because the severe symptoms that were described there rarely occur. We cross referred the subsection dealing with visual changes resulting from diabetes mellitus to the sections on the measurement of visual loss. We have found that, in the absence of visual loss, direct examination of the eye is not a good indicator of the impairment resulting from diabetes mellitus.

10. MULTIPLE BODY SYSTEMS

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We provided criteria for evaluating obesity based upon its usual complications. These criteria require more than the documentation of those findings that are almost universally associated with marked obesity (e.g., peripheral edema, dyspnea on exertion). They require documentation of congestive heart failure (or a history of this) with peripheral edema (or other evidence of significant vascular congestion), respiratory disease, including a finding of dyspnea, with specified abnormalities of pulmonary function tests, etc. We deleted the criteria for tuberculosis adenitis because this condition is rarely found in disability claims. We also eliminated the specific criteria for evaluating active miliary tuberculosis because experience has shown that miliary tuberculosis usually responds to treatment within 12 months. We provided instead for evaluating any residual effects of the disease.

Comments and changes

Comment: We received one comment. The commenter stated that the criteria for obesity would have little effect because the required findings are sufficient to establish disability without obesity.

Respones: The criteria under this section do have to have some relationship to similar impairments described under other body systems. However, they also take into account the contributing complication of obesity when it reaches the extremes specified by the tables. For example, the subsection dealing with arthritis of a weight-bearing joint does not require evidence of the advanced joint pathology required in the comparable section in the musculoskeletal section. We omitted this criterion for the obese person because we recognize the decreased ability of an impaired joint to bear the stress produced by extreme obesity. We also concede that joint pathology associated with extreme obesity will progress rapidly.

11. NEUROLOGICAL

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We expanded the discussion on the documentation and adjudication of convulsive disorders. We changed the expression "moderate motor deficit" to "significant and persistent disorganization of motor function". We clarified the fact that impairments which result from degenerative disease cannot be adjudicated on the mere statement of the diagnosis. We also added criteria for cerebral trauma and syringomyelia.

Comments and changes

Comment: One commenter stated that the language in this section reflects a belief that most neurological impairments, when properly controlled, do not prevent an individual from working for a continuous 12-month period.

Response: We did not intend to give the impression that most neurological conditions are subject to improvement or correction. Eighteen separate medical conditions are listed under the neurological section. Most of them are static or progressive in nature. The discussion in the introduction to this body system about the treatment and the duration of the impairment is directed at exceptions such as multiple sclerosis. This impairment is often characterized by periods of exacerbation and remission. Convulsive disor-

ders are also discussed in this context since they are controllable in most cases. However, we reviewed all of the references to treatment in the criteria for specific impairments and deleted these references from §§ 11.07D and 11.08. We believe all remaining references in this section on neurological conditions that relate to impairment duration and treatment are medically sound since they are specifically directed at particular impairments.

Comment: Another commenter suggested that we expand the criteria for multiple sclerosis to include the overall impact of the diverse manifestations of this condition, including loss of balance, visual disturbance, intension tremors, weakness of the limbs, and loss of coordination.

Response: The current criteria do include the signs and symptoms mentioned by the commenter. The criteria, however, focus on these signs and symptoms at a point of severity when they severely limit the ability to walk, to use the arms, or to see. This emphasis is consistent with the purpose of the Listing, which identifies impairments with a level of severity which can be assumed to prevent a person from doing gainful activity. As the commenter points out, multiple sclerosis, a disease with variable and multiple manifestations, can be shown to be a severe impairment by a combination of symptoms and signs other than those described by the listed criteria. It is not possible, however, to reduce these multiple manifestations to a listing. The Listing is but one item in the evaluation process. We evaluate cases of claimants whose conditions do not meet or medically equal the criteria of a listed impairment under other rules. Under these rules we consider the person's condition, age, education, and work experience to determine whether the person is disabled.

Comment: Another commenter felt that certain persons with severe cerebral palsy might not meet any of the four criteria that are listed in § 11.07. The commenter gave as an example a person with quadriplegia or paraplegia who is still able to communicate verbally. The commenter then mentioned that one of the cerebral palsy criteria might include a person with this type of impairment.

Response: The commenter is correct. The criteria which relate to significant disorganization of motor function in two extremities are intended to cover the example given. We made clarifying changes in the wording of these criteria.

Comment: We received two comments which suggested that criteria should be included for narcolepsy. One comment stressed that there seems to be little uniformity in the treatment of narcolepsy and little understanding of the problems encountered by persons with this condition. The commenters felt that we should include specific criteria that describe narcolepsy and that this would result in more equitable evaluation.

Response: We share the commenters' concerns about the evaluation of narcolepsy and other sleep disorders. However, we do not agree that it should be added to the Listing at this time. Our experience shows that a detailed, individual approach is necessary to evaluate narcolepsy. The varying effects of narcolepsy prevent us from formulating at this time criteria which could be applied to many applicants. The many factors that we must consider include the frequency of the sleep episodes, their duration, the presence or absence of signs that warn of an approaching episode, the control achieved by medication, and the presence and significance of associated conditions, such as cataplexy. We are considering this problem as it relates to disability applicants. We are also considering whether to provide specific evaluation criteria at some future time.

ADDITIONAL CHANGES

We expanded the heading of the section on cerebrovascular accidents (§ 11.04) to include the evaluation of vascular accidents occurring at other sites in the central nervous system. We deleted the reference to pseudobulbar palsy (§ 11.04B) because it is rarely found and people who do have this condition can be evaluated under other criteria. We removed the reference to a sleep record EEG to avoid the misunderstanding that this test be purchased by us if it is not so essential to adjudication that it should be a matter of record. We added another example of a brain tumor that should be evaluated under § 11.05B.

12. MENTAL DISORDERS

CHANGES WE PROPOSED IN THE NOTICE OF PROPOSED RULEMAKING

We expanded and clarified the introduction to provide a better basis for understanding the documentation and adjudicative requirements of these criteria. We eliminated the section for antisocial and amoral behavior since these are criteria for diagnosis and not descriptions of impairment severity. We changed the initial IQ requirement for severe mental retardation from 49 to 59. We also changed the first part of the criteria for mental retardation in § 12.05C by raising the IQ level from 50–69 to an IQ of 60–69. We also clarified the second part of the criteria for mental retardation in § 12.05C to show that a physical or other mental impairment must impose additional and significant work-related limitation of function. We eliminated the criterion which deals with performing routine, repetitive tasks since this criterion cannot be evaluated medically.

Changes and comments

Comment: One commenter suggested that we delete that portion of the introduction which provided for IQ tests to be administered by vocational counselors or specially-trained persons in school systems.

Response: We agree. We deleted that part from the introduction because it is rarely used and we no longer consider it necessary.

Comment: A number of commenters were concerned that the repeated use of the terms "psychiatric examination," "psychiatric diagnosis," and other similar phrases could be interpreted to exclude reports submitted by certified psychologists.

Response: We did not intend that interpretation. In fact, the introduction to this section describes the type of evidence we prefer for evaluating mental disorders and "psychologists' reports" are included. Nevertheless, to avoid the impression that acceptable evidence is limited to reports from physicians specializing in the practice of psychiatry we removed the word "psychiatric" from this section, wherever we could.

Comment: One commenter suggested that we incorporate professional standards for psychologists by adopting the standards developed by professional psychological associations.

Response: We have not adopted this suggestion. Psychologists are certified or licensed under State laws which generally reflect the standards recommended by psychological associations. We rely on established State licensing or certification procedures which makes it unnecessary to include a description of the professional qualifications of those contributing reports for disability evaluation.

Comment: Another commenter stated that we should not consider psychological tests administered by psychiatrists, because psychiatrists are not trained to evaluate and interpret these tests.

Response: We agree that in order to be useful, psychological tests must be administered by people who are trained and experienced in their administration and interpretation. We clarified this point in § 12.00B4 by providing that these tests be administered and interpreted by a psychologist or psychiatrist who is qualified by training and experience to do this evaluation.

Comment: Another commenter questioned the use of IQ measurements. The commenter feels that IQ tests are

unreliable and unrelated to a person's actual performance.

Response: While this may be true in certain instances, it does not rule out the use of the IQ test for the purpose of disability evaluation. We use IQ tests to identify people with severe mental retardation. Under the conditions required in § 12.00B4, we have found the IQ measurement to be a valuable and reliable means of determining whether a person has severe mental retardation.

Comment: One commenter stated that the criteria for mental retardation in § 12.05 are different from the criteria used by some vocational rehabilitation programs. The commenter believes that this leads to situations where some people are found to be ineligible for disability benefits, but are found to be too disabled to benefit from vocational rehabilitation. To correct this, the commenter suggests that we change the IQ criteria to include all people who are often considered to have subaverage intelligence. This would include persons whose performance on an individual test of intelligence is at least one standard deviation below the mean; that is a level which corresponds to an IQ of approximately 85 on the most commonly used standardized intelligence tests.

Response: We have not adopted this suggestion because it is inconsistent with the purpose of the Listing, which is to identify people with severe mental retardation. The suggested criteria could result in eligibility for disability benefits for many people who do not have severe adjustment problems or greatly restricted work capacity.

Comment: One commenter stated that mental retardation becomes more difficult to establish under the proposed Listing.

Response: We do not agree. We revised the IQ level upward from 49 to 59. This will result in more claims being determined on the IQ standard alone without considering additional factors. Thus, the criteria are easier to meet. We did this on the basis of program experience. We found it unproductive to evaluate the potential vocational capacity of persons who score 59 or less on well-standardized, validated IQ tests which are professionally-administered.

Comment: One commenter suggested that we use "or" instead of "and" in listing the requirements in § 12.05A. These requirements are marked dependence upon others for personal needs, inability to understand the spoken word, inability to avoid physical danger, inability to follow simple directions, and inability to read, write, and perform simple calculations. They are each joined by the conjunction "and," rather than by the conjunction *"or."*

Response: We have not adopted the suggested change. This change would, in effect, allow a person to meet the Listing if any one of these criteria were present. For example, this change would permit a person to get disability benefits merely because he or she cannot read or write. This would not be consistent with the intent of the Listing. The requirements in § 12.05A are intended to describe a class of severely retarded persons for whom formal intelligence testing is unnecessary to establish disability.

Comment: We received extensive comments from a national organization interested in all aspects of mental retardation concerning the use of adaptive behavior scales to measure personal independence and social responsibility. This organization feels that incorporation of adaptive behavior scales in the Listing would provide valuable information on the social and environmental factors that determine a person's ability to perform appropriately in a working situation. These comments quote material from the last paragraph of the introductory § 12.00B4 and from the criteria in subsection A of § 12.05. They point out the subjective nature of the information called for in these sections, and state that any reservations about adaptive behavior scales on the basis of their subjectivity should be viewed in light of the general information called for in these two sections.

Response: The criteria for the evaluation of mental deficiency contained in § 12.05 encompass two situations: (1) when the retardation is not severe enough to preclude intelligence testing; i.e., those individuals being evaluated under subsections B and C, which provide IQ values; and (2) when the degree of retardation precludes a realistic attempt at formal intelligence testing, with subsection A used as a means of determining this. Thus, we use subsection A, the section referred to by this commenter, along with the related section in the introduction, only to identify the most severe cases of mental retardation. It excludes persons who have been professionally tested with a standardized IQ test. When mental retardation is the issue in the case of a claimant who has never been tested, we arrange for an intelligence test to be given, *unless* the description in subsection A applies.

Our experience indicates that the group of applicants who cannot be realistically tested is not particularly difficult to identify. Most of the persons within this group require heroic care or manifest marked departures in all areas described. The type of evidence relied on in these cases, as suggested by the comments, is largely based on observations similar to those that would be used in a behavior scale, but in this case is used only for the restricted purpose discussed in the preceding paragraph. Evidence from a behavior scale, if available, could be used in the evaluation of mental retardation. However, the utilized portion consists of the actual behaviors observed and reported, rather than any derived numerical values.

Additional Changes

We added a statement to the introduction that provides for the use of the lowest of the three values generally obtained (verbal, performance, and full scale IQ's). This method is not only consistent with the intent of the Listing but with current practice in psychology. We have used this method in disability evaluation for some time. Also, we reorganized §§ 12.02, 12.03, and 12.04 to emphasize that the criteria cited in subsection B of each of the three sections must *all* be present and *result* from the person's mental condition in cases of chronic brain syndromes and functional psychotic or nonpsychotic disorders.

13. Neoplastic Diseases Malignant

Changes we proposed in the notice of proposed rulemaking

We clarified that other sources of the surgical and pathology findings may be used when a copy of the operative note and pathology report is not available from the hospital record. We made a number of changes in the introduction and in the criteria to clarify the requirements and to recognize current medical knowledge on the course of malignancies and their responses to therapy. We clarified the terms "distant metastasis" and "metastasis beyond the regional lymph nodes."

Previously we indicated that distant metastases which have apparently disappeared and have not been evident for 5 or more years will not be considered severe. We have changed this to show that distant metastases which have apparently disappeared and have not been evident for 3 or more years will not be considered severe. We added a new section on "Head and Neck" tumors to replace the previous section on "Epidermoid carcinoma", since many epidermoid carcinomas are already covered under other sections. We changed the Listing to take into account the much improved response of Hodgkin's disease and non-Hodgkin's lymphomas to chemotherapy in some cases. We cautioned that, in evaluating lymphomas, the tissue type and site of involvement are not necessarily indicators of the severity of the impairment. We moved myeloma to

§ 7.00—Hemic and Lymphatic System—and rewrote the general criteria for malignant primary tumors of bone (excluding the jaw) to require evidence of metastases which are not controlled by prescribed therapy. We simplified the criteria for carcinoma of the lung. We deleted criterion for metastatic carcinoma or sarcoma to the lung, since some of these conditions may respond to chemotherapy, and it would be difficult to provide an accurate list of all their signs. These cases should be adjudicated on the basis of the primary site of the malignancy. Since a number of tumors arise in the mediastinum, we combined the criteria for malignancies arising in this site and stated the requirements for all of these in terms of whether they are controlled by prescribed therapy. We changed the requirement for carcinoma of the distal one-third of the esophagus or of the stomach from metastases "beyond the regional lymph nodes" to metastases "to the regional lymph nodes". We excluded certain islet cell carcinomas of the pancreas from an automatic finding of disability.

Comments and changes

Comments: We received no comments on this body system.

ADDITIONAL CHANGES

We expanded the introductory material in § 13.00D to include a discussion on the effects of therapy for the control of neoplasms. Also, we changed the medical criteria for §§ 13.06, 13.13, 13.19, and 13.28 based on the probable course these conditions will take and on the treatment that is now available.

GENERAL COMMENTS

We received several comments that did not address the evaluation of particular impairments. These comments were concerned with the extent of physician participation in the revisions to the Listing and the extent to which a claimant who needs specialized tests would be able to pay for them. These commenters also expressed some concern about whether the medical criteria are consistent with evaluating claims on an individual basis.

Comment: One commenter suggested that we identify the medical schools and experts who participated in updating the Listing. The commenter felt this would increase the credibility of the Listing.

Response: We have not adopted the suggestion. We believe the criteria must stand on their own merit, apart from the individual professional qualifications of those who helped to make the change. However, to give readers some perspective on the professional background of those involved in developing the medical criteria we included a statement on physician participation. We also did this to establish that SSA has its own highly competent staff of physicians and other medical personnel.

Comment: Another commenter thought that the revised criteria are more restrictive.

Response: In preparing this revision, we approached each of the impairments individually. In some areas we concluded that we should include more specific findings. We also eliminated some findings in other areas where they have not proved to be essential to the evaluation of certain impairments.

The revised criteria probably call for some overall increase in documentation, since a major purpose of the revision is to recognize medical advances and changes in medical technology. As additional medical tests and procedures are developed or, as is more often the case, the use of more discrete tests becomes more widespread, it is necessary to incorporate them into the evaluation criteria. For this reason the criteria for some impairments have been expanded but this does not mean that they are more restrictive. They are intended to be more selective and to better identify persons who have severe impairments. Under the revised criteria a particular claimant should not find it more difficult to document his or her disability claim. The new or additional findings called for are those that are now used in diagnosis and treatment; thus, they should be available or readily obtainable.

Comment: This same commenter felt that the revised criteria are prejudiced against the poor, who do not have funds to pay for the tests needed to prove their disability.

Response: Neither of the disability benefit programs (titles II and XVI) requires the claimant to pay for additional specialized tests that may be needed to determine whether the Listings are met. Any additional examinations or tests, other than those available during the course of treatment, are arranged and paid for by the Social Security Administration. The claimant is not obligated to determine what additional findings are required.

Comment: Another commenter stated that we are not adjudicating disability claims on an "individualized" basis, as mandated by Congress.

Response: We recognized the possibility of a misunderstanding and so we included in the preamble to the Notice of Proposed Rulemaking a discussion of how the Listing is used as one element in the individual approach in the disability determination process. We look at each person's individual record and apply the rules pertinent to the facts in that person's record. If a person who is not working has an impairment(s) that meets the criteria provided in this Listing (and meets all of the other eligibility requirements) we will find the person disabled. This longstanding use of a listing of severe impairments which results in findings of disability, without applying other elements used in the disability determination process, has been in our regulations for many years and is accepted as fully consistent with what the commenter describes as the individualized adjudication mandated by Congress.

Comment: Another commenter stated that the medical criteria do not have different requirements for different kinds of occupations. The commenter also stated that many of the conditions that are accepted as prima facie evidence of disability would actually permit many people to work at almost their normal capacity in occupations that do not require physical activity.

Response: The Listing is a list of severe impairments. A few people with a listed impairment may be able to work because they are making a supreme effort or because of special circumstances. These are rare cases. We can not write a set of criteria for rare cases.

For the criteria to be valuable in adjudication, they must have some flexibility. If the level of severity for each impairment were set at a point which prevents every claimant from engaging in every conceivable occupation, the Listing would be too restrictive to be useful.

Comment: Another commenter pointed out that in the public workshops conducted by us in several cities we did not mention the proposed medical criteria, and that our failure to do so prevented an interchange of ideas on this important issue.

Response: The workshops to which the commenter refers were conducted in an effort to be more responsive to public concerns about the various programs we administer. The people who were there, by and large, determined the topics we discussed. Because of their highly technical nature, the changes to the Listing were not considered appropriate for discussion and comment at a forum that was intended to cover many general social security issues.

The amendments are hereby adopted as revised and set forth below.

(Sections 205, 216(i), 223, 1102, 1614(a) and 1631 of the Social Security Act, as amended; 53 Stat. 1368, as amended; 66 Stat. 771, as amended, 70 Stat. 815, as amended; 49 Stat. 647, as amended; 86 Stat. 1471(a); 86 Stat. 1475; 42 U.S.C. 405, 416(i), 423, 1302, 1382c(a) and 1383.)

(Catalog of Federal Domestic Program Nos. 13.802, Social Security—Disability Insurance; 13.807, Supplemental Security Income Program.)

Dated: February 17, 1979.

STANFORD G. ROSS,
Commissioner of Social Security.

Approved: March 17, 1979.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

Parts 404 and 416 of chapter III of the Code of Federal Regulations are amended as follows:

1. The table of contents in the appendix of subpart P of part 404 and the table of contents in part A of appendix 1 of subpart I of part 416 are revised by revising the titles of § 2.00 from "Special Sense Organs" to "Special Senses and Speech."

2. All the material following the table of contents in the appendix to subpart P of part 404 and following the table of contents in part A of appendix 1 of subpart I of part 416 is revised to read as follows:

1.00 MUSCULOSKELETAL SYSTEM

A. *Loss of function* may be due to amputation or deformity. Pain may be an important factor in causing functional loss, but it must be associated with relevant abnormal signs or laboratory findings. Evaluations of musculoskeletal impairments should be supported where applicable by detailed descriptions of the joints, including ranges of motion, condition of the musculature, sensory or reflex changes, circulatory deficits, and X-ray abnormalities.

B. *Disorders of the spine,* associated with vertebrogenic disorders as in § 1.05C, result in impairment because of distortion of the bony and ligamentous architecture of the spine or impingment of a herniated nucleus pulposus or bulging annulus on a nerve root. Impairment caused by such abnormalities usually improves with time or responds to treatment. Appropriate abnormal physical findings must be shown to persist on repeated examinations despite therapy for a reasonable presumption to be made that severe impairment will last for a continuous period of 12 months. This may occur in cases with unsuccessful prior surgical treatment.

Evaluation of the impairment caused by disorders of the spine requires that a clinical diagnosis of the entity to be evaluated first must be established on the basis of adequate history, physical examination, and roentgenograms. The specific findings stated in § 1.05C represent the requirements for the level of severity of that impairment; these findings, by themselves, are not intended to represent the basis for establishing the clinical diagnosis. Furthermore, while neurological examination findings are required, they are not to be interpreted as a basis for evaluating the severity of any neurological impairment. Neurological impairmants are to be evaluated under §§ 11.00-11.19. The history must include a detailed description of the character, location, and radiation of pain; mechanical factors which incite and relieve pain; prescribed treatment, including type, dose, and frequency of analgesic and typical daily activities. Care must be taken to ascertain that the reported examination findings are consistent with the individual's daily activities. There must be a detailed description of the orthopedic and neurologic examination findings. The findings should include a description of gait, limitation of movement of the spine given quantitatively in degrees from the vertical position, motor and sensory abnormalities, muscle spasm, and deep tendon reflexes. Observations of the individual during the examination should be reported; e.g., how he or she gets on and off the examining table. Inability to walk on heels or toes, to squat, or to arise from a squatting position, where appropriate, may be considered evidence of significant motor loss. However, a report of atrophy is not acceptable as evidence of significant motor loss without circumferential measurements of both thighs and lower legs (or upper or lower arms) at a stated point above and below the knee or elbow given in inches or centimeters. A specific description of atrophy of hand muscles is acceptable without measurements of atrophy but should include measurements of grip strength. These physical examination findings must be determined on the basis of objective observations during the examination and not simply a report of the individual's allegation, e.g., he says his leg is weak, numb, etc. Alternative testing methods should be used to verify the objectivity of the abnormal findings, e.g., a seated straight-leg raising test in addition to a supine straight-leg raising test. Since abnormal findings may be intermittent, their continuous presence over a period of time must be established by a record of ongoing treatment. Neurological abnormalities may not completely subside after surgical or nonsurgical treatment or with the passage of time. Residual neurological abnormalities, which persist after it has been determined clinically or by direct surgical or other observation that the ongoing or progressive condition is no longer present, cannot be considered to satisfy the required findings in § 1.05C.

Where surgical procedures have been performed, documentation should include a copy of the operative note and available pathology reports. Electrodiagnostic procedures and myelography may be useful in establishing the clinical diagnosis, but do not constitute alternative criteria to the requirements in § 1.05C.

C. *After maximum benefit from surgical therapy* has been achieved in situations involving fractures of an upper extremity (§ 1.12), or soft tissue injuries of a lower or upper extremity (§ 1.13), i.e., there have been no significant changes in physical findings or X-ray findings for any 6-month period after the last definitive surgical procedure, evaluation should be made on the basis of demonstrable residuals.

D. *Major joints* as used herein refer to hip, knee, ankle, shoulder, elbow, or wrist and hand. (Wrist and hand are considered together as one major joint.)

E. *The measurements of joint motion are* based on the techniques described in the "Joint Motion Method of Measuring and Recording," published by the American Academy of Orthopedic Surgeons in 1965, or the "Guides to the Evaluation of Permanent Impairment—The Extremities and Back" (Chapter I); American Medical Association, 1971.

1.01 CATEGORY OF IMPAIRMENTS, MUSCULOSKELETAL

1.02 *Active rheumatoid arthritis and other inflammatory arthritis.* With both A and B:

A. Persistent joint pain, swelling, and tenderness involving multiple joints with signs of joint inflammation (heat, swelling, tenderness) despite therapy for at least 3 months, and activity expected to last over 12 months; and

B. Corroboration of diagnosis at some point in time by either:

1. Postive serologic test for rheumatoid factor; or

2. Antinuclear antibodies; or

3. Elevated sedimentation rate.

1.03 *Arthritis of a major weight-bearing joint (due to any cause):* With limitation of motion and enlargement or effusion in the affected joint, as well as a history of joint pain and stiffness. With:

A. Gross anatomcial deformity such as subluxation, contracture, bony or fibrous ankylosis, or instability; or

B. Ankylosis of the hip outside of the position of function (i.e., at less than 20° or more than 30° of flexion measured from the neutral position) and X-ray evidence of either joint space narrowing with osteophytosis or bony destruction (with erosions or cysts); or

C. Reconstructive surgery or surgical arthrodesis of a major weight-bearing joint and return to full weight-bearing status did not occur, or is not expected to occur, within 12 months of onset.

1.04 *Arthritis of one major joint in each of the upper extremities (due to any cause):* With limitation of motion and enlargement or effusion in the affected joints as well as a history of joint pain and stiffness and X-ray evidence of either joint space narrowing with osteophytosis or bony destruction (with erosions or cysts). With:

A. Abduction of both arms at the shoulders, including scapular motion, restricted to less than 90 degrees; or

B. Gross anatomical deformity such as subluxation, contracture, bony or fibrous ankylosis, joint instability, or ulnar deviation.

1.05 *Disorders of the spine:*

A. Arthritis manifested by ankylosis or fixation of the cervical or dorsolumbar spine at 30° or more of flexion measured from the neutral position, with X-ray evidence of:

1. Calcification of the anterior and lateral ligaments; or

2. Bilateral ankylosis of the sacroiliac joints with abnormal apophyseal articulations; or

B. Osteoporosis, generalized (established by X-ray) manifested by pain and limitation of back motion and paravertebral muscle spasm with X-ray evidence of either:

1. Compression fracture of a vertebral body with loss of at least 50 percent of the estimated height of the vertebral body prior to the compression fracture, with no intervening direct traumatic episode; or

2. Multiple fractures of vertebrae with no intervening direct traumatic episode; or

C. Other vertebrogenic disorders (e.g., herniated nucleus pulposus, spinal stenosis) with the following persisting for at least 3 months despite prescribed therapy and expected to last 12 months. With both 1 and 2:

1. Pain, muscle spasm, and significant limitation of motion in the spine; and

2. Appropriate radicular distribution of significant motor loss with muscle weakness and sensory and reflex loss.

1.08 *Osteomyelitis (established by X-ray):*

A. Located in the pelvis, vertebra, femur, tibia, or a major joint of an upper or lower extremity, with persistent activity or occurrence of at least two episodes of acute activi-

ty within a 5-month period prior to adjudication manifested by local inflammatory, and systemic signs and laboratory findings (e.g., heat, redness, swelling, drainage, leucocytosis, or increased sedimentation rate); or

B. Multiple localizations and systemic manifestations as in A above.

1.09 *Amputation or anatomical deformity of (i.e., loss of major function due to degenerative changes associated with vascular or neurological deficits, traumatic loss of muscle mass or tendons and X-ray evidence of bony ankylosis at an unfavorable angle, joint subluxation or instability):*

A. Both hands, or

B. Both feet, or

C. One hand and one foot.

1.10 *Amputation of one lower extremity (at or above the tarsal region):*

A. Hemipelvectomy or hip disarticulation; or

B. Amputation at or above the tarsal region due to peripheral vascular disease or diabetes mellitus; or

C. Inability to use a prosthesis effectively, without obligatory assistive devices, due to one of the following:

1. Vascular disease; or

2. Neurological complications (e.g., loss of position sense); or

3. Stump too short or stump complications persistent, or are expected to persist, for at least 12 months from onset; or

4. Disorder of controlateral lower extremity causing mobility restrictions.

1.11 *Fracture of the femur, tibia, tarsal bone, or pelvis:* With solid union not evident on X-ray and not clinically solid, when such determination is feasible, and return to full weight bearing status did not, occur or is not expected to occur within 12 months of onset.

1.12 *Fractures of an upper extremity:* With non-union of a fracture of the shaft of the humerus, radius, or ulna under continuing surgical management directed toward restoration of functional use of the extremity and such function was not restored or expected to be restored within 12 months after onset.

1.13 *Soft tissue injuries of an upper or lower extremity.* Requiring a series of staged surgical procedures within 12 months after onset for salvage and/or restoration of major function of the extremity, and such major function was not restored or expected to be restored within 12 months after onset.

2.00 SPECIAL SENSES AND SPEECH

A. *Ophthalmology*

1. *Causes of impairment.* Diseases or injury of the eyes may produce loss of central or peripheral vision. Loss of central vision results in inability to distinguish detail and prevents reading and fine work. Loss of peripheral vision restricts the ability of an individual to move about freely. The extent of impairment of sight should be determined by visual testing.

2. *Central visual acuity.* A loss of central visual acuity may be caused by impaired distant and/or near vision. However, for an individual to meet the level of severity described in §§ 2.02 and 2.04, only the remaining central visual acuity for distance of the better eye with best correction based on the Snellen test chart measurement may be used. Correction obtained by special visual aids (e.g., contact lenses) will be considered if the individual has the ability to wear such aids.

3. *Field of vision.* Impairment of peripheral vision may result if there is contraction of the visual fields. The contraction may be either symmetrical or irregular. The extent of the remaining peripheral visual field will be determined by usual perimetric methods at a distance of 330 mm under illumination of not less than 7 footcandles. Measurements obtained on comparable perimetric devices may be used; this does not include the use of tangent screen measurements. For the phakic eye (the eye with a lens), a 3 mm white disc target will be used, and for the aphakic eye (the eye without a lens), a 6 mm white disc target will be used. In neither instance should corrective lenses be worn during the examination but if they have been used, this fact must be stated.

Field measurements must be accompanied by notated field charts, a description of the type and size of the target and the test distance. Tangent screen visual fields are not acceptable as a measurement of peripheral field loss.

Where the loss is predominantly in the lower visual fields, a system such as the weighted grid scale for perimetric fields described by B. Esterman (see Grid for Scoring Visual Fields, II. Perimeter, *Archives of Ophthalmology*, 79:400, 1968) may be used for determining whether the visual field loss is comparable to that described in Table 2.

4. *Muscle function.* Paralysis of the third cranial nerve producing ptosis, paralysis of accommodation, and dilation and immobility of the pupil may cause significant visual impairment. When all the muscles of the eye are paralyzed including the iris and ciliary body (total ophthalmoplegia), the condition is considered a severe impairment provided it is bilateral. A finding of severe impairment based primarily on impaired muscle function must be supported by a report of an actual measurement of ocular motility.

5. *Visual efficiency.* Loss of visual efficiency may be caused by disease or injury resulting in a reduction of central visual acuity or visual field. The visual efficiency of one eye is the product of the percentage of central visual efficiency and the percentage of visual field efficiency. (See tables No. 1 and 2, following § 2.09.)

6. *Special situations.* Aphakia represents a visual handicap in addition to the loss of central visual acuity. The term monocular aphakia would apply to an individual who has had the lens removed from one eye, and who still retains the lens in his other eye, or to an individual who has only one eye which is aphakic. The term binocular aphakia would apply to an individual who has had both lenses removed. In cases of binocular aphakia, the central efficiency of the better eye will be accepted as 75 percent of its value. In cases of monocular aphakia, where the better eye is aphakic, the central visual efficiency will be accepted as 50 percent of its value. (If an individual has binocular aphakia, and the central visual acuity in the poorer eye can be corrected only to 20/200, or less, the central visual efficiency of the better eye will be accepted as 50 percent of its value.)

Ocular symptoms of systemic disease may or may not produce a disabling visual impairment. These manifestations should be evaluated as part of the underlying disease entity by reference to the particular body system involved.

7. *Statutory blindness.* The term "statutory blindness" refers to the degree of visual impairment which defines the term "blindness" in the Social Security Act. Both §§ 2.02 and 2.03 A and B denote statutory blindness.

B. *Otolaryngology*

1. *Hearing impairment.* Hearing ability should be evaluated in terms of the person's ability to hear and distinguish speech.

Loss of hearing can be quantitatively determined by an audiometer which meets the standards of the American National Standards Institute (ANSI) for air and bone conducted stimuli (i.e., ANSI § 3.61969 and ANSI § 3.13–1972, or subsequent comparable revisions) and performing all hearing measurements in an environment which meets the ANSI standard for maximal permissible background sound (ANSI § 3.1–1977).

Speech discrimination should be determined using a standardized measure of speech discrimination ability in quiet at a test presentation level sufficient to ascertain maximum discrimination ability. The speech discrimination measure (test) used, and the level at which testing was done, must be reported.

Hearing tests should be preceded by an otolaryngologic examination and should be performed by or under the supervision of an otolaryngologist or audiologist qualified to perform such tests.

In order to establish an independent medical judgment as to the level of severity in a claimant alleging deafness, the following examinations should be reported: Otolaryngologic examination, pure tone air and bone audiometry, speech reception threshold (SRT), and speech discrimination testing. A copy of reports of medical examination and audiologic evaluations must be submitted.

Cases of alleged "deaf mutism" should be documented by a hearing evaluation. Records obtained from a speech and hearing rehabilitation center or a special school for the deaf may be acceptable, but if these reports are not available, or are found to be inadequate, a current hearing evaluation should be submitted as outlined in the preceding paragraph.

2. *Vertigo associated disturbances of labyrinthine-vestibular function, including Meniere's disease.* These disturbances of balance are characterized by hallucination of motion or loss of position sense and a sensation of dizziness which may be constant or may occur in paroxysmal attacks. Nausea, vomiting, ataxia, and incapacitation are frequently observed, particularly during the acute attack. It is important to differentiate the report of rotary vertigo from that of "dizziness" which is described as light- headedness, unsteadiness, confusion, or syncope.

Meniere's disease is characterized by paroxysmal attacks of vertigo, tinnitus, and fluctuating hearing loss. Remissions are unpredictable and irregular, but may be long-lasting; hence, the severity of impairment is best determined after prolonged observation and serial reexaminations.

The diagnosis of a vestibular disorder requires a comprehensive neuro-otolaryngologic examination with a detailed description of the vertiginous episodes, including notation of frequency, severity, and duration of the attacks. Pure tone and speech audiometry with the appropriate special examinations, such as Bekesy audiometry, are necessary. Vestibular function is assessed by positional and caloric testing, preferably by

electronystagmography. When polytograms, contrast radiography, or other special tests have been performed copies of the reports of these tests should be obtained, in addition to reports of skull and temporal bone x-rays.

3. *Organic loss of speech.* Glossectomy or laryngectomy or cicatricial laryngeal stenosis due to injury or infection results in loss of voice production by normal means. In evaluating organic loss of speech (§ 2.09), ability to produce speech by any means includes the use of mechanical or electronic devices. Impairment of speech due to neurologic disorders should be evaluated under §§ 11.00–11.19.

2.01 CATEGORY OF IMPAIRMENTS, SPECIAL SENSES AND SPEECH

2.02 *Impairment of central visual acuity.* Remaining vision in the better eye after best correction is 20/200 or less.

2.03 *Construction of peripheral visual fields in the better eye.*

A. To 10° or less from the point of fixation; or

B. So the widest diameter subtends an angle no greater than 20°; or

C. To 20 percent or less visual field efficiency.

2.04 *Loss of visual efficiency.* Visual efficiency of better eye after best correction 20 percent or less. (The percent of remaining visual efficiency = the product of the percent of remaining central visual efficiency and the percent of remaining visual field efficiency.)

2.05 *Complete homonymous hemianopsia* (with or without macular sparing). Evaluate under § 2.04.

2.06 *Total bilateral ophthalmoplegia.*

2.07 *Disturbance of labyrinthine-vestibular functions (including Meniere's disease),* characterized by a history of frequent attacks of balance disturbance, tinnitus, and progressive loss of hearing. With both A and B:

A. Disturbed function of vestibular labyrinth demonstrated by caloric or other vestibular tests; and

B. Hearing loss established by audiometry.

2.08 *Hearing impairments* (hearing not restorable by a hearing aid) manifested by:

A. Average hearing threshold sensitivity for air conduction of 90 decibels or greater, and for bone conduction to corresponding maximal levels, in the better ear, determined by the simple average of hearing threshold levels at the three frequencies, 500, 1000, and 2000 hz. (§ 2.00B1); or

B. Speech discrimination scores of 40 percent or less in the better ear.

2.09 *Organic loss of speech* due to:—

Any cause with inability to produce by any means speech which can be heard, understood, and sustained.

TABLE NO. 1.—*Percentage of central visual efficiency corresponding to central visual acuity notations for distance in the phakic and aphakic eye (better eye)*

Snellen		Percent central visual efficiency		
English	Metric	Phakic [1]	Aphakic monocular	Aphakic binocular [3]
20/16	6/5	100	50	75
20/20	6/6	100	50	75
20/25	6/7.5	95	47	71
30/32	6/10	90	45	67
20/40	6/12	85	42	64
20/50	6/15	75	37	56
20/64	6/20	65	32	49
20/80	6/24	60	30	45
20/100	6/30	50	25	37
20/125	6/38	40	20	30
20/160	6/48	30	.....	22
20/200	6/60	20	.....	.....

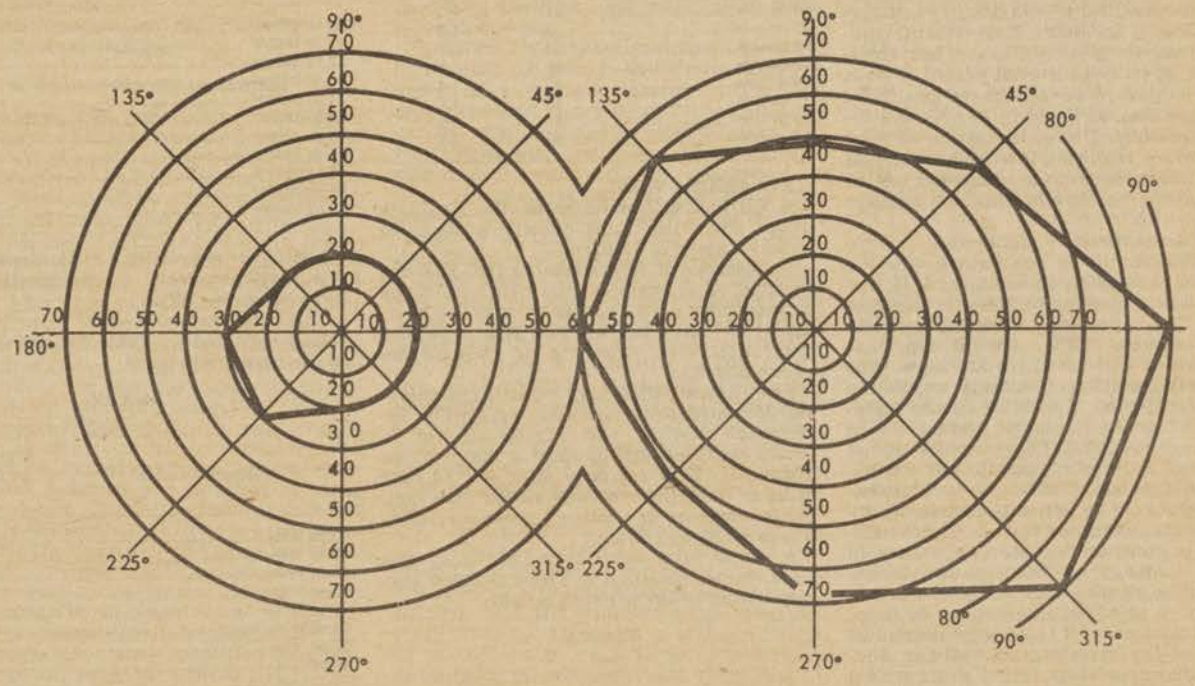
Column and Use

[1] Phakic.—1. A lens is present in both eyes. 2. A lens is present in the better eye and absent in the poorer eye. 3. A lens is present in one eye and the other eye is enucleated.

[2] Monocular.—1. A lens is absent in the better eye and present in the poorer eye. 2. The lenses are absent in both eyes; however, the central visual acuity in the poorer eye after best correction is 20/200 or less. 3. A lens is absent from one eye and the other eye is enucleated.

[3] Binocular.—1. The lenses are absent from both eyes and the central visual acuity in the poorer eye after best correction is greater than 20/200.

TABLE NO. 2.—*Chart of visual field showing extent of normal field and method of computing percent of visual field efficiency*



LEFT EYE (O.S.) RIGHT EYE (O.D.)

1. Diagram of right eye illustrates extent of normal visual field as tested on standard perimeter at 3/300 (3 mm. white disc at a distance of 330 mm.) under 7 foot-candles illumination. The sum of the eight principal meridians of this field total 500°.

2. The percent of visual field efficiency is obtained by adding the number of degrees of the eight principal meridians of the contracted field and dividing by 500. Diagram of left eye illustrates visual field contracted to 30° in the temporal and down and out me-

ridians and to 20° in the remaining six meridians. The percent of visual field efficiency of this field is: $6\times20+2\times30=180\div500=0.36$ or 36 percent remaining visual field efficiency, or 64 percent loss.

3.00 Respiratory System

A. *Causes of impairment:* The impairment produced by respiratory disease usually results from chronic recurrent infection, or from pulmonary insufficiency or a combination of these factors.

B. *Pulmonary tuberculosis will be evaluated* on the basis of the resulting impairment to pulmonary function. Evidence of infectious or active pulmonary tuberculosis such as positive cultures, increasing lesions, or cavitation is not, by itself, a basis for determining that an individual has a severe impairment which is expected to last 12 months. However, if these factors are abnormally persistent, they should not be ignored. For example, in those unusual cases where there is evidence of persistence of pulmonary infection caused by mycobacteria for a period closely approaching 12 consecutive months, the clinical findings, complications, treatment considerations, and prognosis must be carefully assessed to determine whether, despite the absence of impairment of pulmonary function, the individual has a severe impairment that can be expected to last for 12 consecutive months.

C. *When a respiratory impairment is episodic in nature,* as may occur in complications of bronchiectasis and asthmatic bronchitis, the frequency of severe episodes despite prescribed treatment is the criterion for determining the level of impairment. Documentation for episodic asthma should include the hospital or emergency room records indicating the dates of treatment, clinical findings on presentation, what treatment was given and for what period of time, and the clinical response. Severe attacks of episodic asthma, as listed in § 3.03B, are defined as prolonged episodes lasting at least several hours, requiring intensive treatment such as intravenous drug administration or inhalation therapy in a hospital or emergency room.

D. *Documentation of pulmonary insufficiency.* The results of ventilatory function studies for evaluation under tables I, II, and IV should be expressed in liters or liters per minute. The reported 1 second forced expiratory volume (FEV_1) should represent the largest of at least three attempts. One satisfactory maximum voluntary ventilation (MVV) is sufficient. The MVV should represent the observed value and should not be calculated from FEV_1. These studies should be repeated after administration of a nebulized bronchodilator unless the prebronchodilator values are 80 percent or more of predicted normal values or the use of bronchodilators is contraindicated. The values in tables I, II, and IV assume that the ventilatory function studies were not performed in the presence of wheezing or other evidence of bronchospasm or, if these were present at the time of the examination, that the studies were repeated after administration of a bronchodilator. Ventilatory function studies performed in the presence of bronchospasm, without use of bronchodilators, cannot be found to meet the requisite level of severity in tables I, II, and IV.

The appropriately labeled spirometric tracing, showing distance per second on the abscissa and the distance per liter on the ordinate, must be incorporated in the file. The FEV_1 must be recorded at a speed of at least 20 mm. per second. Calculation of the FEV_1 from a flow volume loop is not acceptable. The recording device must provide a volume excursion of at least 10 mm. per liter. The MVV should be represented by the tidal excursions measured over a 10-to-15 second interval. Tracings showing only cumulative volume for the MVV are not acceptable. The height of the individual must be recorded. Studies should not be performed during or soon after an acute respiratory illness. A statement should be made as to the individual's ability to understand the directions, and cooperate in performing the test.

3.01 Category of Impairments, Respiratory

3.02 *Chronic obstructive airway disease (due to any cause).* With spirometric evidence of airway obstruction demonstrated by MVV and FEV_1 both equal to, or less than, the values specified in Table I, corresponding to the person's height.

Table I

Height (inches)	MVV (MBC) equal to or less than	FEV_1 equal to or less than
	L./Min.	L
57 or less	32	1.0
58 or less	33	1.0
59 or less	34	1.0
60 or less	35	1.1
61 or less	36	1.1
62 or less	37	1.1
63 or less	38	1.1
64 or less	39	1.2
65 or less	40	1.2
66 or less	41	1.2
67 or less	42	1.3
68 or less	43	1.3
69 or less	44	1.3
70 or less	45	1.4
71 or less	46	1.4
72 or less	47	1.4
73 or more	48	1.4

3.03 *Asthma.* With:

A. Chronic asthmatic bronchitis. Evaluate under the criteria for chronic obstructive airway disease in § 3.02; or

B. Episodes of severe attacks (see § 3.00C), in spite of prescribed treatment, occurring at least once every 2 months or on an average of at least 6 times a year and prolonged expiration with wheezing or rhonchi between attacks.

3.04 *Diffuse pulmonary fibrosis (sarcoidosis, Hamman-Rich syndrome, idiopathic interstitial fibrosis, and similar diffuse fibroses substantiated by chest X-ray or tissue diagnosis. This category does not include cases of bronchitis or emphysema with incidental scarring or scattered parenchymal fibrosis on X-ray).* With:

A. Total vital capacity equal to, or less than, values specified in Table II below corresponding to the person's height.

Table II

Height (inches)	V.C. equal to or less than (L)
57 or less	1.2
58 or less	1.3
59 or less	1.3
60 or less	1.4

Table II—Continued

Height (inches)	V.C. equal to or less than (L)
61 or less	1.4
62 or less	1.5
63 or less	1.5
64 or less	1.6
65 or less	1.6
66 or less	1.7
67 or less	1.7
68 or less	1.8
69 or less	1.8
70 or less	1.9
71 or less	1.9
72 or less	2.0
73 or more	2.0

or

B. Diffusing capacity of the lungs for carbon monoxide less than 6 ml./mm. Hg./min. (steady-state methods) or lesss than 9 ml./mm. Hg./min. (single-breath methods) or less than 30 percent of predicted normal. (All methods—actual values and predicted normal values for the method used should be reported); or

C. Arterial oxygen tension (pO2) at rest and simultaneously determined arterial carbon dioxide tension (pCO2) equal to, or less than, the values specified in Table III.

Table III

Arterial pCO_2 (mm. Hg)	Arterial pCO_2 equal to or less than (mm. Hg)
30 or below	65
31 or below	64
32 or below	63
33 or below	62
34 or below	61
35 or below	60
36 or below	59
37 or below	58
38 or below	57
39 or below	56
40 or above	55

3.05 *Other restrictive ventilatory disorders (e.g., kyphoscoliosis, thoracoplasty, pulmonary resection).* With:

Total vital capacity equal to, or less than, values specified in Table IV corresponding to the person's height.

Table IV

Height (inches)	V.C. equal to or less than (L.)
59 or less	1.0
60 or less	1.1
61 or less	1.1
62 or less	1.1
63 or less	1.1
64 or less	1.2
65 or less	1.2
66 or less	1.2
67 or less	1.3
68 or less	1.3
69 or less	1.3
70 or less	1.4

3.06 *Pneumoconiosis (demonstrated by X-ray evidence).* With:

A. Nodular or focal fibrosis (non-conglomerative). Evaluate under the criteria for

chronic obstructive airway disease in § 3.02; or

B. Interstitial or disseminated fibrosis or conglomerative disease. Evaluate under the criteria for pulmonary fibrosis in § 3.04; or

C. Where A and B are mixed or cannot be differentiated—evaluate under the criteria in § 3.02 or § 3.04.

3.07 *Bronchiectasis (demonstrated by radio-opaque material).* With:

A. Episodes of acute bronchitis or pneumonia or hemoptysis (more than blood streaked sputum) occuring at least once every 2 months; or

B. Impairment of pulmonary function due to extensive disease should be evaluated under the criteria for chronic obstructive airway disease in § 3.02 or where extensive fibrosis is evident on chest film, under the criteria for pulmonary fibrosis in § 3.04.

3.08 *Pulmonary tuberculosis (caused by M. tuberculosis of pathogenic atypical mycobacteria).* Impairment of pulmonary function due to extensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.09 *Mycotic infection of lung.* With:

A. Culture of specific organisms from sputa and serial X-ray evidence of increasing or decreasing extent of lesion, both persisting for at least 3 months despite prescribed therapy; or

B. Culture of specific organisms from sputa and current X-ray evidence of a lesion and episodes of hemoptysis occuring at least once every 2 months; or

C. Impairment of pulmonary function due to exstensive disease should be evaluated under the criteria in § 3.02, § 3.04, or § 3.05.

3.11 *Cor pulmonale.* Evaluate under the criteria for § 4.02D.

3.12 *Pleurocutaneous fistuala.* With persistent purulent drainage.

4.00 Cardiovascular System

A. *Severe cardiac impairment* results from one or more of three consequences of heart disease: (1) congestive heart failure; (2) ischemia (with or without necrosis) of heart muscle; (3) conduction disturbances and-or arrhythmias resulting in cardiac syncope.

With disease of arteries and viens, severe impairment may result from disorders of the vasculature in the central nervous system, eyes, kidneys, extremities, and other organs.

The criteria for evaluating impairment resulting from heart disease or diseases of the blood vessels are based on symptoms, physical signs and pertinent laboratory findings.

B. *Congestive heart failure* is considered in the Listing under one category whatever the etiology (i.e., arteriosclerotic, hypertensive, rheumatic, pulmonary, congential, or other organic heart disease). Congestive heart failure is not considered to have been established for the purpose of § 4.02 unless there is evidence of vascular congestion such as hepatomegaly or peripheral or pulmonary edema which is consistent with the clinical diagnosis. (Radiological description of vascular congestion, unless supported by appropriate clinical evidence, should not be construed as pulmonary edema.) The findings of vascular congestion need not be present at the time of adjudication (except for § 4.02A), but must be causally related to the current episode of severe impairment. The findings other than vascular congestion must be persistent.

Other congestive, ischemic, or restrictive (obstructive) heart disease such as caused by cardiomyopathy or aortic stenosis may result in severe impairment due to congestive heart failure, rhythm disturbances, or ventricular outflow obstruction in the absence of left ventricular enlargement as described in § 4.02B1. However, the ECG criteria as defined in § 4.02B2 should be fulfilled. Clinical findings such as symptoms of dyspnea, fatigue, rhythm disturbances, etc. should be documented and the diagnosis confirmed by echocardiography or at cardiac catheterization.

C. *Hypertensive vascular disease* does not result in severe impairment unless it causes severe damage to one or more of four end organs: heart, brain, kidneys, or eyes (retinae). The presence of such damage must be established by appropriate abnormal physical signs and laboratory findings as specified in § 4.02 or § 4.04, or for the body system involved.

D. *Ischemic heart disease* may result in severe impairment due to chest pain. Description of the pain must contain the clinical characteristics as discussed under § 4.00E. In addition, the clinical impression of chest pain of cardiac origin must be supported by objective evidence as described under § 4.00 F, G, or H.

E. *Chest pain of cardiac origin* is considered to be pain which is precipitated by effort and promptly relieved by sublingual nitroglycerin or rapid-acting nitrates or rest. The character of the pain is classically described as crushing, squeezing, burning, or oppressive pain located in the chest. Excluded is sharp, sticking or rhythmic pain. Pain occurring on exercise should be described specifically as to usual inciting factors (kind and degree), character, location, radiation, duration, and response to nitroglycerin or rest.

So-called "anginal equivalent" locations manifested by pain in the throat, arms, or hands have the same validity as the chest pain described above. Status anginosus and variant angina of the Prinzmetal type (e.g., rest angina with transitory ST elevation on electrocardiogram) will be considered to have the same validity as classical angina pectoris as described above. Shortness of breath as an isolated finding should not be considered as an anginal equivalent.

Chest pain that appears to be of cardiac origin may be caused by noncoronary conditions. Evidence for the latter should be actively considered in determining whether the chest pain is of cardiac origin. Among the more common conditions which may masquerade as angina are gastrointestinal tract lesions such as biliary tract disease, esophagitis, hiatal hernia, peptic ulcer, and pancreatitis; and musculoskeletal lesions such as costochondritis and cervical arthritis.

F. *Documentation of electrocardiography.*

1. *Electrocardiograms obtained at rest* must be submitted in the original or a legible copy of a 12-lead tracing, appropriately labeled, with the standardization inscribed on the tracing. Alteration in standardization of specific leads (such as to accommodate large QRS amplitudes) must be shown on those leads.

The effect of drugs, electrolyte imbalance, etc., should be considered as possible noncoronary causes of ECG abnormalities, especially those involving the ST segment. If needed and available, pre-drug (especially predigitalis) tracings should be obtained.

The term "ischemic" is used in § 4.04 to describe a pathologic ST deviation. Nonspecific repolarization changes should not be confused with ischemic configurations or a current of injury.

Computer interpretations without the original or legible copies of the ECG tracings are not acceptable.

2. *Electrocardiograms obtained in conjunction with exercise tests* must include the original tracings or a legible copy of appropriate leads obtained before, during, and after exercise. Test control tracings, taken before exercise in the upright position, must be obtained. An ECG after 20 seconds of vigorous hyperventilation should be obtained. A tracing should be taken at approximately 5 METs of exercise (treadmill speed of 1.7 miles per hour at a 10 percent grade as in Stage I of the Bruce protocol) and at the time the ECG becomes abnormal according to the criteria in § 4.04A. The time of onset of these abnormal changes must be noted, and the ECG tracing taken at that time should be obtained. Exercise histograms without the original tracings or legible copies are not acceptable.

Whenever electrocardiographically documented stress test data are submitted, irrespective of the type, the standardization must be inscribed on the tracings and the strips must be labeled appropriately, indicating the times recorded. The degree of exercise achieved, the blood pressure levels during the test, and any reason for terminating the test should be included in the report.

G. *Exercise testing.*

1. *When to purchase.* Since the results of a treadmill exercise test are the primary basis for adjudicating claims under § 4.04, they should be included in the file whenever they have been performed. There are also circumstances under which it will be appropriate to purchase exercise tests. Generally, these are limited to claims involving chest pain which is considered to be of cardiac origin but without corroborating ECG or other evidence of ischemic heart disease.

Exercise tests should not be purchased in the absence of alleged chest pain of cardiac origin. Even in the presence of an allegation of chest pain of cardiac origin, an exercise test should not be purchased where full development short of such a purchase reveals that the impairment meets or equals any Listing or the claim can be adjudicated on some other basis.

2. *Methodology.* When an exercise test is purchased, it should be a treadmill type using a continuous progressive multistage regimen (as typified by the Bruce protocol). The targeted heart rate should be not less than 85 percent of the maximum predicted heart rate unless it becomes hazardous to exercise to that heart rate or becomes unnecessary because the ECG meets the criteria in § 4.04A at a lower heart rate. Beyond these requirements, it is prudent to accept the methodolgy of a qualified, competent test facility. In any case, a precise description of the protocol that was followed must be provided.

3. *Limitations of exercise testing.* Exercise testing should not be purchased for individuals who have the following: unstable progressive angina pectoris; congestive heart failure; uncontrolled serious arrhythmias (including uncontrolled auricular fibrillation); second or third-degree heart block; Wolff-Parkinson-White syndrome; uncontrolled severe hypertension; severe aortic stenosis; severe pulmonary hypertension; dissecting or ventricular aneurysms; acute

illness; limiting neurological or musculoskeletal impairments, or for individuals on medication where performance of stress testing may constitute a significant risk.

The presence of noncoronary or nonischemic factors which may influence the ECG response to exercise include hypokalemia, hyperventilation, vasoregulatory asthenia, significant anemia, left bundle branch block, and other heart disease, particularly valvular.

Digitalis may cause ST segment abnormalities at rest, during, and after exercise. Digitalis-related ST depression, present at rest, may become accentuated and result in false interpretations of the ECG taken during or after exercise test.

4. *Evaluation.* Where the evidence includes the results of a treadmill exercise test, this evidence is the primary basis for adjudicating claims under § 4.04. For purposes of the social security disability program, treadmill exercise testing will be evaluated on the basis of the level at which the test becomes positive in accordance with the ECG criteria in § 4.04A. However, the significance of findings of a treadmill exercise test must be considered in light of the clinical course of the disease which may have occurred subsequent to performance of the exercise test. Section 4.04B is not applicable if there is documentation of an acceptable treadmill exercise test. If there is no evidence of a treadmill exercise test or if the test is not acceptable, the criteria in § 4.04B should be used. The level of exercise is considered in terms of multiples of METs (metabolic equivalent units). One MET is the basal O_2 requirement of the body in an inactive state, sitting quietly. It is considered by most authorities to be approximately 3.5 ml O_2/kg/min.

H. *Angiographic evidence.*

1. *Coronary arteriography.* This procedure is not to be purchased by the Social Security Administration. Should the results of such testing be available, the report should be considered as to the quality and kind of data provided and its applicability to the requirements of the Listing of Impairments. A copy of the report of the catheterization and ancillary studies should be obtained. The report should provide information as to the technique used, the method of assessing coronary lumen diameter, and the nature and location of any obstructive lesions.

It is helpful to know the method used, the number of projections, and whether selective engagement of each coronary vessel was satisfactorily accomplished. It is also important to know whether the injected vessel was entirely and uniformly opacified, thus avoiding the artifactual appearance of narrowing or an obstruction.

Coronary artery spasm induced by intracoronary catheterization is not be considered as evidence of ischemic heart disease.

Estimation of the functional significance of an obstructive lesion may also be aided by description of how well the distal part of the vessel is visualized. Some patients with severe proximal coronary atherosclerosis have well-developed large collateral blood supply to the distal vessels without evidence of myocardial damage or ischemia, even under conditions of severe stress.

2. *Left ventriculography.* The report should describe the local contractility of the myocardium as may be evident from areas of hypokinesia, dyskinesia, or akinesia; and the overall contractility of the myocardium as measured by the ejection fraction.

3. *Proximal coronary arteries* (see § 4.04B7) will be considered as the:

a. Right coronary artery proximal to the acute marginal branch;

b. Left anterior descending coronary artery proximal to the first septal perforator; and

c. Left circumflex coronary artery proximal to the first obtuse marginal branch.

I. *Results of other tests.* Information from adequate reports of other tests such as radionuclide studies or echocardiography should be considered where that information is comparable to the requirements in the Listing.

J. *Major surgical procedures.* The amount of function restored and the time required to effect improvement after heart or vascular surgery vary with the nature and extent of the disorder, the type of surgery, and other individual factors. If the criteria described for heart or vascular disease are met, proposed heart or vascular surgery (coronary artery bypass procedure, valve replacement, major arterial grafts, etc.) does not militate against a finding of disability with subsequent assessment of severity postoperatively.

The usual time after surgery for adequate assessment of the results of surgery is considered to be approximately 3 months. Assessment of the severity of the impairment following surgery requires adequate documentation of the pertinent evaluations and tests performed following surgery, such as an interval history and physical examination, with emphasis on those signs and symptoms which might have changed postoperatively, as well as X-rays and electrocardiograms. Where treadmill exercise test or angiography have been performed following the surgical procedure, the results of these tests should be obtained.

Documentation of the preoperative evaluation and a description of the surgical procedure are also required. The evidence should be documented from hospital records (catheterization reports, coronary arteriographic reports, etc.) and the operative note.

Implantation of a cardiac pacemaker is not considered a major surgical procedure for purposes of this section.

4.01 Category of Impairments, Cardiovascular System

4.02 *Congestive heart failure (manifested by evidence of vascular congestion such as hepatomegaly, peripheral or pulmonary edema).* With:

A. Persistent congestive heart failure on clinical examination despite prescribed therapy; or

B. Persistent left ventricular enlargement and hypertrophy documented by both:

1. Extension of the cardiac shadow (left ventricle) to the vertebral column on a left lateral chest roentgenogram; and

2. ECG showing QRS duration less than 0.12 second with S_{V_1} plus R_{V_5} (or R_{V_6}) of 35 mm. or greater *and* ST segment depressed more than 0.5 mm. *and* low, diphasic or inverted T waves in leads with tall R waves; or

C. Persistent "mitral" type heart involvement documented by left atrial enlargement shown by double shadow on PA chest roentgenogram (or characteristic distortion of barium-filled esophagus) and either:

1. ECG showing QRS duration less than 0.12 second with S_{V_1} plus R_{V_5} (or R_{V_6}) of 35 mm. or greater *and* ST segment depressed more than 0.5 mm. *and* low, diphasic or inverted T waves in leads with tall R waves; or

2. ECG evidence of right ventricular hypertrophy with R wave of 5.0 mm. or greater in lead V_1 *and* progressive decrease in R/S amplitude from lead V_1 to V_5 or V_6; or

D. Cor pulmonale (non-acute) documented by both:

1. Right ventricular enlargement (or prominence of the right out-flow tract) on chest roentgenogram of fluoroscopy; and

2. ECG evidence of right ventricular hypertrophy with R wave of 5.0 mm. or greater in lead V_1 *and* progressive decrease in R/S amplitude from lead V_1 to V_5 or V_6.

4.03 *Hypertensive vascular disease.* Evaluate under § 4.02 or § 4.04 or under the criteria for the affected body system.

4.04 *Ischemic heart disease with chest pain of cardiac origin as described in § 4.00E.* With:

A. Treadmill exercise test (see § 4.00F and G) demonstrating one of the following at an exercise level of 5 METs or less:

1. Horizontal or down-sloping ischemic depression of the ST segment to 1.0 mm. or greater, clearly discernible in at least two consecutive complexes which are on a level baseline in any lead; or

2. Premature ventricular systoles which are multiform or bidirectional or are sequentially inscribed (3 or more); or

3. ST segment elevation to 3 mm. or greater; or

4. Development of second or third degree heart block; or

B. In the absence of a report of an acceptable treadmill exercise test (see § 4.00G), one of the following:

1. Transmural myocardial infarction exhibiting a QS pattern or a Q wave with amplitude at least 1/3rd of R wave and with a duration of 0.04 second or more. (If these are present in leads III and aVF only, the requisite Q wave findings must be shown, by labelled tracing, to persist on deep inspiration); or

2. Resting ECG findings showing ischemic-type (see § 4.00F1) depression of ST segment to more than 0.5 mm. in either (a) leads I and a VL and V_6 or (b) leads II and III and aVF or (c) leads V_3 through V_6; or

3. Resting ECG findings showing an ischemic configuration or current of injury (see § 4.00D) with ST segment elevation to 2 mm. or more in either (a) leads I and aVL and V_6 or (b) leads II and III and aVF or (c) leads V_3 through V_6; or

4. Resting ECG findings showing symmetrical inversion of T waves to 5.0 mm. or more in any two leads except leads III or aVR or V_1 or V_2; or

5. Inversion of T wave to 1.0 mm. or more in any of leads I, II, aVL, V_2 to V_6 *and* R wave of 5.0 mm. or more in lead aVL *and* R wave greater than S wave in lead aVF; or

6. "Double" Master Two-Step test demonstrating one of the following:

a. Ischemic depression of ST segment to more than 0.5 mm. lasting for at least 0.08 second beyond the J junction and clearly discernible in at least two consecutive complexes which are on a level baseline in any lead; or

b. Development of a second or third degree heart block; or

7. Angiorgraphic evidence (see § 4.00H) (obtained independent of social security disability evaluation) showing one of the following:

a. 50 percent or more narrowing of the left main coronary artery; or

b. 70 percent or more narrowing of a *proximal* coronary artery (see § 4.00H3) (excluding the left main coronary artery); or

c. 50 percent or more narrowing involving a long (greater than 1 cm.) segment of a proximal coronary artery or multiple proximal coronary arteries; or

C. Resting ECG findings showing left bundle branch block as evidenced by QRS duration of 0.12 second or more in leads I, II, or III *and* R peak duration of 0.06 second or more in leads I, aVL, V_5, or V_6, unless there is a coronary angiogram of record which is negative (see criteria in § 4.04B7); or

D. Left ventricular ejection fraction of 30 percent or less measured at cardiac catheterization or by echocardiography.

4.05 *Recurrent arrhythmias* (not due to digitalis toxicity) resulting in uncontrolled repeated episodes of cardiac syncope and documented by resting or ambulatory (Holter) electrocardiography.

4.09 *Myocardiopathies, rheumatic or syphilitic heart disease.* Evaluate under the criteria in § 4.02, § 4.04, § 4.05, or § 11.04.

4.11 *Aneurysm of aorta or major branches* (demonstrated by roentgenographic evidence). With:

A. Acute or chronic dissection not controlled by prescribed medical or surgical treatment; or

B. Congestive heart failure as described under the criteria in § 4.02; or

C. Renal failure as described under the criteria in § 6.02; or

D. Repeated syncopal episodes.

4.12 *Chronic venous insufficiency* of the lower extremity with incompetency or obstruction of the deep venous return, associated with superficial varicosities, extensive brawny edema, stasis dermatitis, and recurrent or persistent ulceration which has not healed following at least 3 months of prescribed medical or surgical therapy.

4.13 *Arteriosclerosis obliterans or thrombo-angiitis.* With:

A. Intermittent claudication with failure to visualize (on arteriogram obtained independent of social security disability evaluation) the common femoral or deep femoral artery in one extremity; or

B. Intermittent claudication and absence of peripheral arterial pulsations in the femoral, popliteal, dorsalis pedis, and posterior tibial arteries by Doppler or plethysmography, in one extremity; or

C. Amputation at or above the tarsal region due to peripheral vascular disease.

5.00 Digestive System

A. *Disorders of the digestive system* which result in severe impairment usually do so because of interference with nutrition, multiple recurrent inflammatory lesions, or complications of disease, such as fistulae, abscesses, or recurrent obstruction. Such complications usually respond to treatment. These complications must be shown to persist on repeated examinations despite therapy for a reasonable presumption to be made that severe impairment will last for a continuous period of at least 12 months.

B. *Malnutrition or weight loss from gastrointestinal disorders.* When the primary disorder of the digestive tract has been established (e.g., enterocolitis, chronic pancreatitis, postgastrointestinal resection, or esophageal stricture, stenosis, or obstruction), the resultant interference with nutrition will be considered under the criteria in § 5.08. This will apply whether the weight loss is due to primary or secondary disorders, of malabsorption, malassimilation, or obstruction. However, weight loss not due to diseases of the digestive tract, but associated with psychiatric or primary endocrine or other disorders, should be evaluated under the appropriate criteria for the underlying disorder.

C. *Surgical diversion of the intestinal tract,* including colostomy or ileostomy, are not listed since they do not represent impairments which preclude all work activity if the individual is able to maintain adequate nutrition and function of the stoma. Dumping syndrome which may follow gastric resection rarely represents a severe impairment which would continue for 12 months. Peptic ulcer disease with recurrent ulceration after definitive surgery ordinarily responds to treatment. A recurrent ulcer after definitive surgery must be demonstrated on repeated upper gastrointestinal roentgenograms or gastroscopic examinations despite therapy to be considered a severe impairment which will last for at least 12 months. Definitive surgical procedures are those designed to control the ulcer disease process (i.e., vagotomy and pyloroplasty, subtotal gastrectomy, etc.). Simple closure of a perforated ulcer does not constitute definitive surgical therapy for peptic ulcer disease.

5.01 Category of Impairments, Digestive System

5.02 *Recurrent upper gastrointestinal hemorrhage from undetermined cause.* With anemia manifested by hematocrit of 30 percent or less on repeated examinations.

5.03 *Stricture, stenosis, or obstruction of the esophagus (demonstrated by X-ray or endoscopy).* With weight loss as described under § 5.08.

5.04 *Peptic ulcer disease (demonstrated by X-ray or endoscopy).* With:

A. Recurrent ulceration after definitive surgery persistent despite therapy; or

B. Inoperable fistula formation; or

C. Recurrent obstruction demonstrated by X-ray or endoscopy; or

D. Weight loss as described under § 5.08.

5.05 *Chronic liver disease (e.g., portal, postnecrotic, or biliary cirrhosis; chronic active hepatitis; Wilson's disease).* With:

A. Esophageal varices (demonstrated by X-ray or endoscopy) with a documented history of massive hemorrhage attributable to these varices; or

B. Performance of a shunt operation for esophageal varices; or

C. Serum bilirubin of 2.5 mg. per deciliter (100 ml.) or greater persisting on repeated examination for at least 5 months; or

D. Hepatic encephalopathy. Evaluate under the criteria in § 12.02; or

E. Confirmation of chronic liver disease by liver biopsy (obtained independent of social security disability evaluation) and one of the following:

1. Ascites not attributable to other causes, recurrent or persisting for at least 3 months, demonstrated by abdominal paracentesis or associated with persistent hypoalbuminemia of 3.0 gm. per deciliter (100 ml.) or less.

2. Serum bilirubin of 2.5 mg. per deciliter (100 ml.) or greater on repeated examinations.

3. Hepatic cell necrosis or inflammation, persisting for at least 3 months, documented by repeated abnormalities of prothrombin time and enzymes indicative of hepatic dysfunction.

5.06 *Chronic ulcerative or granulomatous colitis (demonstrated by endoscopy, barium enema, biopsy, or operative findings).* With:

A. Recurrent bloody stools documented on repeated examination and anemia manifested by hematocrit of 30 percent or less on repeated examinations; or

B. Persistent or recurrent systemic manifestations, such as arthritis, iritis, fever, or liver dysfunction, not attributable to other causes; or

C. Intermittent obstruction due to intractable abscess, fistula formation, or stenosis; or

D. Recurrences of findings of A, B, or C above after total colectomy; or

E. Weight loss as described under § 5.08.

5.07 *Regional enteritis (demonstrated by operative findings, barium studies, biopsy, or endoscopy).* With:

A. Persistent or recurrent intestinal obstruction evidenced by abdominal pain, distention, nausea, and vomiting and accompanied by stenotic areas of small bowel with proximal intestinal dilation; or

B. Persistent or recurrent systemic manifestations such as arthritis, iritis, fever, or liver dysfunction, not attributable to other causes; or

C. Intermittent obstruction due to intractable abscess or fistula formation; or

D. Weight loss as described under § 5.08.

5.08 *Weight loss (due to any gastrointestinal disorder).* With:

A. Weight equal to or less than the values specified in table I or II; or

B. Weight equal to or less than the values specified in table III or IV and one of the following abnormal findings on repeated examinations:

1. Serum albumin of 3.0 gm. per deciliter (100 ml.) or less; or

2. Hematocrit of 30 percent or less; or

3. Serum calcium of 8.0 mg. per deciliter (100 ml.) (4.0 mEq./L) or less; or

4. Uncontrolled diabetes mellitus due to pancreatic dysfunction with repeated hyperglycemia, hypoglycemia, or ketosis; or

5. Fat in stool of 7 gm. or greater per 24-hour stool specimen; or

6. Nitrogen in stool of 3 gm. or greater per 24-hour specimen; or

7. Persistent or recurrent ascites or edema not attributable to other causes.

Tables of weight reflecting malnutrition scaled according to height and sex—To be used only in connection with § 5.08.

Table I.—*Men*

Height (inches) [1]	Weight (pounds)
61	90
62	92
63	94
64	97
65	99
66	102
67	106
68	109
69	112
70	115
71	118
72	122
73	125
74	128
75	131
76	134

TABLE II.—*Women*

Height (inches) [1]	Weight (pounds)
58	77
59	79
60	82
61	84
62	86
63	89
64	91
65	94
66	98
67	101
68	104
69	107
70	110
71	114
72	117
73	120

TABLE III.—*Men*

Height (inches) [1]	Weight (pounds)
61	95
62	98
63	100
64	103
65	106
66	109
67	112
68	116
69	119
70	122
71	126
72	129
73	133
74	136
75	139
76	143

TABLE IV.—*Women*

Height (inches) [1]	Weight (pounds)
58	82
59	84
60	87
61	89
62	92
63	94
64	97
65	100
66	104
67	107
68	111
69	114
70	117
71	121
72	124
73	128

[1] Height measured without shoes.

6.00 GENITO-URINARY SYSTEM

A. *Determination of the presence of chronic renal disease will be based upon:*

(1) a history, physical examination, and laboratory evidence of renal disease, and

(2) indications of its progressive nature or laboratory evidence of deterioration of renal function.

B. *Nephrotic Syndrome.* The medical evidence establishing the clinical diagnosis must include the description of extent of tissue edema, including pretibial, periorbital, or presacral edema. The presence of ascites, pleural effusion, pericardial effusion, and hydroarthrosis should be described if present. Results of pertinent laboratory tests must be provided. If a renal biopsy has been performed the evidence should include a copy of the report of microscopic examination of the specimen. Complications such as severe orthostatic hypotension, recurrent infections or venous thromboses should be evaluated on the basis of resultant impairment.

C. *Hemodialysis, peritoneal dialysis, and kidney transplantation.* When an individual is undergoing periodic dialysis because of chronic renal disease, severity of impairment is reflected by the renal function prior to the institution of dialysis.

The amount of function restored and the time required to effect improvement in an individual treated by renal transplant depend upon various factors, including adequacy of post-transplant renal function, incidence and severity of renal infection, occurrence of rejection crisis, the presence of systemic complications (anemia, neuropathy, etc.), and side effects of corticosteroids or immuno-suppressive agents. A convalescent period of at least 12 months is required before it can be reasonably determined whether the individual has reached a point of stable medical improvement.

D. *Evaluate associated disorders and complications* according to the appropriate body system Listing.

6.01 CATEGORY OF IMPAIRMENTS, GENITO-URINARY SYSTEM

6.02 *Impairment of renal function, due to any chronic renal disease expected to last 12 months (e.g., hypertensive vascular disease, chronic nephritis, nephrolithiasis, polycystic disease, bilateral hydronephrosis, etc.).* With:

A. Chronic hemodialysis or peritoneal dialysis necessitated by irreversible renal failure; or

B. Kidney transplant. Consider under a disability for 12 months following surgery; thereafter, evaluate the residual impairment (see § 6.00C); or

C. Persistent elevation of serum creatinine to 4 mg. per deciliter (100 ml.) or greater or reduction of creatinine clearance to 20 ml. per minute (29 liters/24 hours) or less, over at least 3 months, with one of the following:

1. Renal osteodystrophy manifested by severe bone pain and appropriate radiographic abnormalities (e.g., osteitis fibrosa, severe osteoporosis, pathologic fractures); or

2. A clinical episode of pericarditis; or

3. Persistent motor of sensory neuropathy; or

4. Intractable pruritus; or

5. Persistent fluid overload syndrome resulting in diastolic hypertension (110 mm. or above) or signs of vascular congestion; or

6. Persistent anorexia with recent weight loss and current weight meeting the values in § 5.08, Table III or IV; or

7. Persistent hematocrits of 30 percent or less.

6.06 *Nephrotic syndrome, with severe anasarca, persistent for at least 3 months despite prescribed therapy.* With:

A. Serum albumin of 3.0 gm. per deciliter (100 ml.) or less *and* proteinuria of 3.5 gm. per 24 hours or greater or

B. Proteinuria of 10.0 gm. per 24 hours or greater.

7.00 HEMIC AND LYMPHATIC SYSTEM

A. *Impairment caused by anemia* should be evaluated according to the ability of the individual to adjust to the reduced oxygen-carrying capacity of the blood. A gradual reduction in red cell mass, even to very low values, is often well tolerated in individuals with a healthy cardiovascular system.

B. *Chronicity is indicated by* persistence of the condition for at least 3 months. The laboratory findings cited must reflect the values reported on more than one examination over that 3-month period.

C. *Sickle cell disease* refers to a chronic hemolytic anemia associated with sickle cell hemoglobin, either homozygous or in combination with thalassemia or with another abnormal hemoglobin (such as C or F).

Appropriate hematologic evidence for sickle cell disease, such as hemoglobin electrophoresis, must be included. Vaso-occlusive or aplastic episodes should be documented by description of severity, freguency, and duration.

Major visceral episodes include meningitis, osteomyelitis, pulmonary infections or infarctions, cerebrovascular accidents, congestive heart failure, genito-urinary involvement, etc.

D. *Coagulation defects.* Chronic inherited coagulation disorders must be documented by appropriate laboratory evidence. Prophylactic therapy such as with anti-hemophilic globulin (AHG) concentrate does not in itself imply severity.

E. *Acute leukemia.* Initial diagnosis of acute leukemia must be based upon definitive bone marrow pathologic evidence. Recurrent disease may be documented by peripheral blood, bone marrow, or cerebrospinal fluid examination. The pathology report must be included.

Section 7.11 contains the designated duration of disability implicit in the finding of a listed impairment. Following the designated time period, a documented diagnosis itself is no longer sufficient to establish a severe impairment. The severity of any remaining impairment must be evaluated on the basis of the medical evidence.

7.01 CATEGORY OF IMPAIRMENTS, HEMIC AND LYMPHATIC SYSTEM

7.02 *Chronic anemia (hematocrit persisting at 30 percent or less due to any cause).*

A. Evaluate the resulting impairment under criteria for the affected body system; or

B. Requiring one or more blood transfusions on an average of at least once every 2 months.

7.05 *Sickle cell disease, or one of its variants.* With:

A. Documented painful (thrombotic) crises occurring at least three times during the 5 months prior to, or

B. Requiring extended hospitalization (beyond emergency care) at least three times during the 12 months adjudication; or

C. Evaluate the resulting impairment under the criteria for the affected body system.

7.06 *Chronic thrombocytopenia (due to any cause).* With platelet counts repeatedly below 40,000/cubic millimeter. With:

A. At least one spontaneous hemorrhage, requiring transfusion, within 5 months prior to adjudication; or

B. Intracranial bleeding within 12 months prior to adjudication.

7.07 *Hereditary telangiectasia.* With hemorrhage requiring transfusion at least three times during the 5 months prior to adjudication.

7.08 *Coagulation defects (nemophilia or a similar disorder).* With spontaneous hemor-

rhage requiring transfusion at least three times during the 5 months prior to adjuication.

7.09 *Polycythemia vera (with erythrocytosis, splenomegaly, and leukocytosis or thrombocytosis).* Evaluate the resulting impairment under the criteria for the affected body system.

7.10 *Myelofibrosis (myeloproliferative syndrome).* With:

A. Chronic anemia. Evaluate according to the criteria of §7.02; or

B. Documented recurrent systemic bacterial infections, occurring at least 3 times during the 5 months prior to adjudication; or

C. Intractable bone pain with radiologic evidence of osteosclerosis.

7.11 *Actue leukemia.* Consider under a disability for 2½ years from the time of initial diagnosis.

7.12 *Chronic leukemia.* Evaluate according to the criteria of § 7.02, § 7.06, § 7.10B, or § 13.06A.

7.13 *Lymphomas.* Evaluate under the criteria in § 13.06A.

7.14 *Macroglobulinemia or heavy chain disease,* confirmed by serum or urine protein electrophoresis or immunoelectrophoresis. Evaluate impairment under criteria for affected body system or under § 7.02, § 7.06, or § 7.08.

7.15 *Chronic granulocytopenia (due to any cause).* With both A and B:

A. Absolute neutrophil counts repeatedly below 1,000 cells/cubic millimeter; and

B. Documented recurrent systemic bacterial infections occurring at least 3 times during the 5 months prior to adjudication.

7.16 *Myeloma (confirmed by appropriate serum or urine protein electrophoresis and bone marrow findings).* With:

A. Radiologic evidence of bony involvement with intractable bone pain or pathological fracture; or

B. Evidence of renal impairment as described in § 6.02; or

C. Hypercalcemia with serum calcium levels persistently greater than 11 mg. per deciliter (100 ml.) for at least one month despite prescribed therapy; or

D. Plasma cells (100 or more cells/cubic millimeter) in the peripheral blood.

8.00 Skin

A. *Skin lesions* may result in severe, long-lasting impairment if they involve extensive body areas or critical areas such as the hands or feet and become resistant to treatment. These lesions must be shown to have persisted for a sufficient period of time despite therapy for a reasonable presumption to be made that severe impairment will last for a continuous period of at least 12 months. The treatment for some of the skin diseases listed in this section may require the use of high dosage of drugs with possible serious side effects; these side effects should be considered in the overall evaluation of impairment.

B. *When skin lesions are associated with systemic disease* and where that is the predominant problem, evaluation should occur according to the criteria in the appropriate section. Disseminated (systemic) lupus erythematosus and scleroderma usually involve more than one body system and should be evaluated under § 10.04 and § 10.05. Neoplastic skin lesions should be evaluated under § 13.00ff. When skin lesions (including burns) are associated with contractures or limitation of joint motion, that impairment should be evaluated under § 1.00ff.

8.01 Category of Impairments, Skin

8.02 *Exfoliative dermatitis, ichthyosis, ichthyosiform erythroderma.* With extensive lesions not responding to prescribed treatment.

8.03 *Pemphigus, erythema multiforme bullosum, bullous pemphigoid, dermatitis herpetiformis.* With extensive lesions not responding to prescribed treatment.

8.04 *Deep mycotic infections.* With extensive fungating, ulcerating lesions not responding to prescribed treatment.

8.05 *Psoriasis, atopic dermatitis, dyshidrosis.* With extensive lesions, including involvement of the hands or feet which impose a severe limitation of function and which are not responding to prescribed treatment.

8.06 *Hydradenitis suppurative, acne conglobata.* With extensive lesions involving the axillae or perineum not responding to prescribed medical treatment and not amenable to surgical treatment.

9.00 Endocrine System

Cause of impairment. Impairment is caused by overproduction or underproduction of hormones, resulting in structural or functional changes in the body. Where involvement of other organ systems has occurred as a result of a primary endocrine disorder, these impairments should be evaluated according to the criteria under the appropriate sections.

9.01 Category of Impairments, Endocrine

9.02 *Thyroid Disorders.* With:

A. Progressive exophthalmos as measured by exophthalmometry; or

B. Evaluate the resulting impairment under the criteria for the affected body system.

9.03 *Hyperparathyroidism.* With:

A. Generalized decalcification of bone on X-ray study and elevation of plasma calcium to 11 mg. per deciliter (100 ml.) or greater; or

B. Evaluate the resulting impairment according to the Listing under the affected body system.

9.04 *Hypoparathyroidism.* With:

A. Severe recurrent tetany; or

B. Recurrent generalized convulsions; or

C. Evaluate lenticular cataracts under the criteria in § 2.00ff.

9.05 *Neurohypophyseal insufficiency (diabetes insipidus).* With urine specific gravity of 1.005 or below, persistent for at least 3 months and recurrent dehydration.

9.06 *Hyperfunction of the adrenal cortex.* Evaluate the resulting impairment under the criteria for the affected body system.

9.08 *Diabetes mellitus.* With:

A. Neuropathy demonstrated by significant and persistent disorganization of motor function in two extremities resulting in sustained disturbance of gross and dexterous movements, or gait, and station (see § 11.00C); or

B. Acidosis occurring at least on the average of once every 2 months documented by appropriate blood chemical tests (pH or pCO_2 or bicarbonate levels); or

C. Amputation at, or above, the tarsal region due to diabetic necrosis or peripheral vascular disease; or

D. Retinitis proliferans; evaluate the visual impairment under the criteria in § 2.02, § 2.03, or § 2.04.

10.00 Multiple Body Systems

A. The impairments included in this section usually involve more than a single body system.

B. Long-term obesity will usually be associated with disorders in the musculoskeletal, cardiovascular, peripheral vascular, and pulmonary systems and the advent of such disorders is the major cause of impairment. Extreme obesity results in restrictions imposed by body weight and the additional restrictions imposed by disturbances in other body systems.

10.01 Category of Impairments, Multiple Body Systems

10.02 *Hansen's disease (leprosy).* As active disease or consider as "under a disability" while hospitalized.

10.03 *Polyarteritis or periarteritis nodosa (established by biopsy).* With signs of generalized arterial involvement.

10.04 *Disseminated lupus erythematosus (established by a positive LE preparation or biopsy or positive ANA test).* With frequent exacerbations demonstrating involvement of renal or cardiac or pulmonary or gastrointestinal or central nervous systems.

10.05 *Scleroderma or progessive systemic sclerosis (the diffuse or generalized form).* With:

A. Advanced limitation of use of hands due to sclerodactylia or limitation in other joints; or

B. Significant visceral manifestations of digestive, cardiac, or pulmonary impairment.

10.10 *Obesity.* Weight equal to or greater than the values specified in table I for males, table II for females (100 percent above desired level) and one of the following:

A. History of pain and limitation of motion in any weight bearing joint or spine (on physical examination) associated with X-ray evidence of arthritis in a weight bearing joint or spine; or

B. Hypertension with diastolic blood pressure persistently in excess of 100 mm Hg measured with appropriate size cuff; or

C. History of congestive heart failure manifested by past evidence of vascular congestion such as hepatomegaly, peripheral or pulmonary edema; or

D. Chronic venous insufficiency with superficial varicosities in a lower extremity with pain on weight bearing and persistent edema; or

E. Respiratory disease with total forced vital capacity equal to or less than 2.0 L. or a level of hypoxemia at rest equal to or less than the values of the following table:

Arterial pCO_2 (mm Hg)	Arterial pO_2 equal to or less than (mm Hg)
30 or below	65
31 or below	64
32 or below	63
33 or below	62
34 or below	61
35 or below	60
36 or below	59
37 or below	58
38 or below	57
39 or below	56
40 or below	55

TABLE I.—*Men*

Height (inches)	Weight (pounds)
60	246
61	252
62	258
63	264
64	270
65	276
66	284
67	294
68	302
69	310
70	318
71	328
72	336
73	346
74	356
75	364
76	374

TABLE II.—*Women*

Height (inches)	Weight (pounds)
56	208
57	212
58	218
59	224
60	230
61	236
62	242
63	250
64	258
65	266
66	274
67	282
68	290
69	298
70	306
71	314
72	322

11.00 NEUROLOGICAL

A. *Convulsive disorders.* In convulsive disorders, regardless of etiology, severity will be determined according to type, frequency, duration, and sequelae of seizures. At least one detailed description of a typical seizure is required. Such description includes the presence or absence of aura, tongue bites, sphincter control, injuries associated with the attack, and postictal phenomena. The reporting physician should indicate the extent to which description of seizures reflects his own observations and the source of ancillary information. Testimony of persons other than the claimant is essential for description of type and frequency of seizures if professional observation is not available.

Documentation of epilepsy should include at least one electroencephalogram (EEG).

Under § 11.02 and § 11.03, a severe impairment is considered present only if it persists despite the fact that the individual is following prescribed anticonvulsive treatment. Adherence to prescribed anticonvulsant therapy can ordinarily be determined from objective clinical findings in the report of the physician currently providing treatment for epilepsy. Determination of blood levels of phenytoin sodium or other anticonvulsive drugs may serve to indicate whether the prescribed medication is being taken. Should serum drug levels appear therapeutically inadequate, consideration should be given as to whether this is caused by individual idiosyncrasy in absorption or metabolism of the drug. Where adequate seizure control is obtained only with unusually large doses, the possibility of impairment resulting from the side effects of this medication must also be assessed. Where documentation shows that use of alcohol or drugs affects adherence to prescribed therapy or may play a part in the precipitation of seizures, this must also be considered in the overall assessment of impairment severity.

B. *Brain tumors.* The diagnosis of malignant brain tumor should be established under the criteria described in § 13.00B for neoplastic disease.

In histologically malignant tumors, the pathological diagnosis alone will be the decisive criterion for severity and expected duration (§ 11.05A). In cases of benign tumors (§ 11.05B) the severity and duration of the impairment will be determined on the bases of the symptoms, signs, and pertinent laboratory findings.

C. *Persistent disorganization of motor function* in the form of paresis or paralysis, tremor or other involuntary movements, ataxia and sensory disturbances (any or all of which may be due to cerebral, cerebellar, brain stem, spinal cord, or peripheral nerve dysfunction) which occur singly or in various combinations, frequently provides the sole or partial basis for decision in cases of neurological impairment. The assessment of impairment depends on the degree of interference with locomotion and/or interference with the use of fingers, hands, and arms.

D. *In conditions which are episodic in character,* such as multiple sclerosis or myasthenia gravis, consideration should be given to frequency and duration of exacerbations, length of remissions, and permanent residuals.

11.01 CATEGORY OF IMPAIRMENTS, NEUROLOGICAL

11.02 *Epilepsy—major motor seizures, (grand mal or psychomotor), documented by EEG and by detailed description of a typical seizure pattern, including all associated phenomena; occurring more frequently than once a month, in spite of at least 3 months of prescribed treatment.* With:

A. Diurnal episodes (loss of consciousness and convulsive seizures); or

B. Nocturnal episodes manifesting residuals which interfere significantly with activity during the day.

11.03 *Epilepsy—minor motor seizures (petit mal, psychomotor, or focal), documented by EEG and by detailed description of a typical seizure pattern, including all associated phenomena; occurring more frequently than once weekly in spite of at least 3 months of prescribed treatment.* With alteration of awareness or loss of consciousness and transient postictal manifestations of unconventional behavior or significant interference with activity during the day.

11.04 *Central nervous system vascular accident.* With one of the following more than 3 months post-vascular accident:

A. Sensory or motor aphasia resulting in ineffective speech or communication; or

B. Significant and persistent disorganization of motor function in two extremities, resulting in sustained disturbance of gross and dexterous movements, or gait, and station (see § 11.00C).

11.05 *Brain tumors.*

A. Malignant gliomas (astrocytoma—grades III and IV, glioblastoma multiforme), medulloblastoma, ependymoblastoma, or primary sarcoma; or

B. Astrocytoma (grades I and II), meningioma, pituitary tumors, oligodendroglioma, ependymoma, clivus chordoma, and benign tumors. Evaluate under § 11.02, § 11.03, § 11.04 A, or B, or § 12.02.

11.06 *Parkinsonian syndrome.* With the following signs: Significant rigidity, brady kinesia, or tremor in two extremities, which singly or in combination, result in sustained disturbance of gross and dexterous movements, or gait and station.

11.07 *Cerebral palsy.* With:

A. IQ of 69 or less; or

B. Abnormal behavior patterns, such as destructiveness or emotional instability; or

C. Significant interference in communication due to speech, hearing, or visual defect; or

D. Disorganization of motor function as described in § 11.04B.

11.08 *Spinal cord or nerve root lesions, due to any cause.* With disorganization of motor function as described in § 11.04B.

11.09 *Multiple sclerosis.* With:

A. Disorganization of motor function as described in § 11.04B; or

B. Visual or mental impairment as described under the criteria in § 2.02, § 2.03, § 2.04, or § 12.02.

11.10 *Amyotrophic lateral sclerosis.* With:

A. Significant bulbar signs; or

B. Disorganization of motor function as described in § 11.04B.

11.11 *Anterior poliomyelitis.* With:

A. Presistent difficulty with swallowing or breathing; or

B. Unintelligible speech; or

C. Disorganization of motor function as described in § 11.04B.

11.12 *Myasthenia gravis.* With:

A. Significant difficulty with speaking, swallowing, or breathing while on prescribed therapy; or

B. Significant motor weakness of muscles of extremities on repetitive activity against resistance while on prescribed therapy.

11.13 *Muscular dystrophy.* With disorganization of motor function as described in § 11.04B.

11.14 *Peripheral neuropathies.* With disorganization of motor function as described in § 11.04B, in spite of prescribed treatment.

11.15 *Tabes dorsalis.* With:

A. Tabetic crises occurring more frequently than once monthly; or

B. Unsteady, broad-based or ataxic gait causing significant restriction of mobility substantiated by appropriate posterior column signs.

11.16 *Subacute combined cord degeneration (pernicious anemia).* With disorganization of motor function as described in § 11.04B or § 11.15B, not significantly improved by prescribed treatment.

11.17 *Degenerative disease not listed elsewhere, such as Huntington's chorea, Friedreich's ataxia, and spino-cerebellar degeneration.* With:

A. Disorganization of motor function as described in § 11.04B or § 11.15B; or

B. Chronic brain syndrome. Evaluate under 12.02.

11.18 *Cerebral trauma:* Evaluate under the provisions of § 11.02, § 11.03, § 11.04, and § 12.02, as applicable.

11.19 *Syringomyelia.* With:

A. Significant bulbar signs; or

B. Disorganization of motor function as described in § 11.04B.

12.00 Mental Disorders

A. *Introduction:* The evaluation of disability applications on the basis of mental disorders requires consideration of the nature and clinical manifestations of the medically determinable impairment(s) as well as consideration of the degree of limitation such impairment(s) may impose on the individual's ability to work, as reflected by (1) daily activities both in the occupational and social spheres; (2) range of interest; (3) ability to take care of personal needs; and (4) ability to relate to others. This evaluation must be based on medical evidence consisting of demonstrable clinical signs (medically demonstrable phenomena, apart from the individual's symptoms, which indicate specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality) and laboratory findings (including psychological tests) relevant to such issues as restriction of daily activities, constriction of interests, deterioration of personal habits (including personal hygiene), and impaired ability to relate to others.

The severity and duration of mental impairment(s) should be evaluated on the basis of reports from psychiatrists, psychologists, and hospitals, in conjunction with adequate descriptions of daily activites from these or other sources. Since confinement in an institution may occur because of legal or social requirements, confinement per se does not establish that impairment is severe. Similarly, release from an institution does not establish improvement. As always, severity and duration of impairment are determined by the medical evidence. A description of the individual's personal appearance and behavior at the time of the examination is also important to the evaluation process.

Diagnosis alone is insufficient as a basis for evaluation of the severity of mental impairment(s). Accordingly, the criteria of severity under mental disorders are arranged in four comprehensive groups; chronic brain syndromes (§ 12.02), functional (nonorganic) psychotic disorders (§ 12.03), functional nonpsychotic disorders (§ 12.04), and mental retardation (§ 12.05). Each category consists of a set of clinical findings, one or more of which must be met, and a set of functional restrictions, all of which must be met. The functional restrictions are to be interpreted in the light of the extent to which they are imposed by psychopathology.

The criteria for severity of mental impairment(s) are so constructed that a decision can be reached even if there are disagreements regarding diagnosis. All available clinical and laboratory evidence must be considered since it is not unusual to find, in the same individual, signs and test results associated with several pathological conditions, mental or physical. For example, an individual might show evidence of depression, chronic brain syndrome, cirrhosis of the liver, etc., in various combinations.

In some cases, the results of well-standardized psychological tests, such as the Wechsler Adult Intelligence Scale (WAIS) and the Minnesota Multiphasic Personality Inventory (MMPI), may contribute to the assessment of severity of impairment. To provide full documentation, the psychological report should include key data on which the report was based, such as MMPI profiles, WAIS subtest scores, etc.

B. *Discussion of Mental Disorders:*

1. *Chronic brain syndromes* (organic brain syndromes) result from persistent, more or less irreversible, diffuse impairment of cerebral tissue function. They are usually permanent and may be progressive. They may be accompanied by psychotic or neurotic behavior superimposed on organic brain pathology. The degree of impairment may range from mild to severe. Acute brain syndromes are temporary and reversible conditions with favorable prognosis and no significant residuals. Occasionally, an acute brain syndrome may progress into a chronic brain syndrome.

2. *Functional psychotic disorders* are characterized by demonstrable mental abnormalities without demonstrable structural changes in brain tissue. Mood disorders (involutional psychosis, manic-depressive illness, psychotic depressive reaction) or thought disorders (schizophrenias and paranoid states) are characterized by varying degrees of personality disorganization and accompanied by a corrresponding degree of inability to maintain contact with reality (e.g., hallucinations, delusions).

3. *Functional nonpsychotic disorders* are likewise characterized by demonstrable mental abnormalities without demonstrable structural changes in brain tissue (psychophysiologic, neurotic, personality and certain other nonpsychotic disorders).

a. *Psychophysiologic (autonomic and visceral) disorders* (e.g., cardiovascular, gastrointestinal, genitourinary, musculoskeletal, respiratory). In these conditions, the normal physiological expression of emotions is exaggerated by chronic emotional tensions, eventually leading to a disruption of the autonomic regulatory system and resulting in various visceral disorders. If the condition persists, it may lead to demonstrable structural changes (e.g., peptic ulcer, bronchial asthma, dermatitis).

b. *Neurotic disorders* (e.g., anxiety, depressive, hysterical, obsessive-compulsive, and phobic neuroses). In these conditions there are no gross falsifications of reality such as observed in the psychoses in the form of hallucinations or delusions. Neuroses are characterized by reactions to deep-seated conflicts and are classified by the defense mechanisms the individual employs to stave off the threat of emotional decompensation (e.g., anxiety, depression, conversion, obsessive-compulsive, or phobic mechanisms). Anxiety or depression occurring in connection with overwhelming external situations (i.e., situational reactions) are self-limited and the symptoms usually recede when the situational stress diminishes.

c. *Other functional nonpsychotic disorders*, including paranoid, cyclothymic, schizoid, explosive, obsessive-compulsive, hysterical, asthenic, antisocial, passive-aggressive, and inadequate personality; sexual deviation; alcohol addiction and drug addiction. These disorders are characterized by deeply ingrained maladaptive patterns of behavior, generally of long duration. Unlike neurotic disorders, conflict in these cases is not primarily within the individual but between the individual and his environment. In many of these conditions, the patient may experience little anxiety and little or no sense of distress, except when anxiety and distress are consequences of maladaptive behavior.

4. *Mental retardation* denotes a lifelong condition characterized by below-average intellectual endowment as measured by well-standardized intelligence (IQ) tests and associated with impairment in one or more of the following areas: learning, maturation, and social adjustment. The degree of impairment should be determined primarily on the basis of intelligence level and the medical report. Care should be taken to ascertain that test results are consistent with daily activities and behavior. A well-standardized, comprehensive intelligence test, such as the Wechsler Adult Intelligence Scale (WAIS), should be administered and interpreted by a psychologist or psychiatrist qualified by training and experience to perform such an evaluation. In special circumstances, nonverbal measures, such as the Raven Progressive Matrices or the Arthur Point Scale, may be substituted.

Unfortunately, identical IQ scores obtained from different tests do not always reflect a similar degree of intellectual function. In this connection, it may be noted that on the WAIS, perhaps currently the most widely used measure of intellectual ability in adults, IQ's of 69 and below are characteristic of approximately the lowest 2 percent of the general population. In instances where other tests are administered, it will be necessary to convert the IQ to the corresponding percentile rank in the general population in order to determine the actual degree of impairment reflected by the IQ scores. Where more than one IQ is customarily derived from the test administered, i.e., where Verbal, Performance, and Full Scale IQ's are provided as on the WAIS, the lowest of these is to be used in conjunction with § 12.05.

In cases where the nature of the individual's impairment is such that testing, as described above, is precluded, medical reports specifically describing the level of intellectual, social, and physical function should be obtained. Actual observations by district office or State DDS personnel, reports from educational institutions, and information furnished by public welfare agencies or other reliable, objective sources should be considered as additional evidence.

12.01 Category of Impairments, Mental

12.02 *Chronic brain syndromes* (organic brain syndromes). With both A and B:

A. Demonstrated deterioration in intellectual functioning, manifested by persistence of one or more of the following clincial signs:

1. Marked memory defect for recent events; or

2. Improverished, slowed, perseverative thinking, with confusion or disorientation; or

3. Labile, shallow, or coarse affect;

B. Resulting persistence of marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people.

12.03 *Functional psychotic disorders* (mood disorders, schizophrenias, paranoid states). With both A and B:

A. Manifested persistence of one or more of the following clinical signs:

1. Depression (or elation); or

2. Agitation; or

3. Psychomotor disturbances; or

4. Hallucinations or delusions; or

5. Autistic or other regressive behavior; or

6. Inappropriateness of affect; or

7. Illogical association of ideas;

B. Resulting persistence of marked restriction of daily activities and constriction of in-

terests and seriously impaired ability to relate to other people.

12.04 *Functional nonpsychotic disorders* (psychophysiologic, neurotic, and personality disorders; addictive dependence on alcohol or drugs). With both A and B:

A. Manifested persistence of one or more of the following clinical signs:

1. Demonstrable and persistent structural changes mediated through psychophysiological channels (e.g., duodenal ulcer); or

2. Recurrent and persistent periods of anxiety, with tension, apprehension, and interference with concentration and memory; or

3. Persistent depressive affect with isomnia, loss of weight, and suicidal preoccupation; or

4. Persistent phobic or obsessive ruminations with inappropriate, bizarre, or disruptive behavior; or

5. Persistent complusive, ritualistic behavior; or

6. Persistent functional disturbance of vision, speech, hearing, or use of a limb with demonstrable structural or trophic changes; or

7. Persistent, deeply ingrained, maladaptive patterns of behavior manifested by either:

a. Seclusiveness or autistic thinking; or

b. Pathologically inappropriate suspiciousness or hostility;

B. Resulting persistence of marked restriction of daily activities and constriction of interests and deterioration in personal habits and seriously impaired ability to relate to other people.

12.05 *Mental retardation.* As manifested by:

A. Severe mental and social incapacity as evidenced by marked dependence upon others for personal needs (e.g., bathing, washing, dressing, etc.) and inability to understand the spoken word and inability to avoid physical danger (fire, cars, etc.) and inability to follow simple directions and inability to read, write, and perform simple calculations; or

B. IQ of 59 or less (see § 12.00B4); or

C. IQ of 60 to 69 inclusive (see § 12.00B4) and a physical or other mental impairment imposing additional and significant work-related limitation of function.

13.00 Neoplastic Disease—Malignant

A. *Introduction:* The determination of the level of severity resulting from malignant tumors is made from a consideration of the site of the lesion, the histogenesis of the tumor, the extent of involvement, the apparent adequacy and response to therapy (surgery, irradiation, hormones, chemotherapy, etc.), and the magnitude of the post-therapeutic residuals.

B. *Documentation:* The diagnosis of malignant tumor should be established on the basis of symptoms, signs, and laboratory findings. The site of the primary, recurrent, and metastatic lesion must be specified in all cases of malignant neoplastic diseases. If an operative procedure has been performed, the evidence should include a copy of the operative note and the report of the gross and microscopic examination of the surgical specimen. If these documents are not obtainable, then the summary of hospitalization or a report from the treating physician must include details of the findings at surgery and the results of the pathologist's gross and microscopic examination of the tissues.

For those cases in which a disabling impairment was not established when therapy was begun but progression of the disease is likely, current medical evidence should include a report of a recent examination directed especially at local or regional recurrence, soft part or skeletal metastases, and significant posttherapeutic residuals.

C. *Evaluation:* Usually, when the malignant tumor consists only of a local lesion with metastasis to the regional lymph nodes which apparently has been completely excised, imminent recurrence or metastasis is not anticipated. Exceptions are noted in §§ 13.02E, 13.03, 13.05B, 13.09 B and E, 13.11 A and F, 13.13B, 13.16 B and C, 13.21B, 13.22 A and B, and 13.24A. For adjudicative purposes, "distant metastasis" or "metastasis beyond the regional lymph nodes" refers to metastasis beyond the lines of the usual radical en bloc resection.

Local or regional recurrence after radical surgery or pathological evidence of incomplete excision by radical surgery is to be equated with unresectable lesions (except for carcinoma of the breast, § 13.09C) and, for the purposes of our program, may be evaluated as "inoperable." These situations are usually followed by severe impairment within 6 months to 1 year.

Local or regional recurrence after incomplete excision of a localized and still completely resectable tumor is not to be equated with recurrence after radical surgery. In the evaluation of lymphomas, the tissue type and site of involvement are not necessarily indicators of the severity of the impairment.

When a malignant tumor has metastasized beyond the regional lymph nodes, the impairment usually will be considered to be severe. Exceptions are hormone-dependent tumors, isotope-sensitive metastases, metastases from seminoma of the testicles which are controlled by definitive therapy or distant metastases which have apparently disappeared and have not been evident for 3 or more years.

D. *Effects of therapy.* Significant posttherapeutic residuals, not specifically included in the category of impairments for malignant neoplasms, should be evaluated according to the affected body system.

Where the impairment is not listed in the Listing of Impairments and is not medically equivalent to a listed impairment, the impact of any residual impairment including that caused by therapy must be considered. The therapeutic regimen and consequent adverse response to therapy may vary widely; therefore, each case must be considered on an individual basis. It is essential to obtain a specific description of the therapeutic regimen, including the drugs given, dosage, frequency of drug administration, and plans for continued drug administration. It is necessary to obtain a description of the complications or any other adverse response to therapy such as nausea, vomiting, diarrhea, weakness, dermatologic disorders, or reactive mental disorders. Since the severity of the adverse effects of anticancer chemotherapy may change during the period of drug administration, the decision regarding the impact of drug therapy should be based on a sufficient period of therapy to permit proper consideration.

E. *Onset.* To establish onset of disability prior to the time a malignancy is first demonstrated to be inoperable of beyond control by other modes of therapy (and prior evidence is nonexistent) requires medical judgment based on medically reported symptoms, the type of the specific malignancy, its location and extent of involvement when first demonstrated.

13.01 Category of Impairments, Neoplastic Diseases—Malignant

13.02 *Head and neck* (except salivary glands—§ 13.07, thyroid gland—§ 13.08, and mandible, maxilla, orbit, or temporal fossa—§ 13.11):

A. Inoperable; or

B. Not controlled by prescribed therapy; or

C. Recurrent after radical surgery or irradiation; or

D. With distant metastasis; or

E. Epidermoid carcinoma occurring in the pyriform sinus or posterior third of the tongue.

13.03 *Sarcoma of skin:*

A. Angiosarcoma with metastasis to regional lymph nodes or beyond; or

B. Mycosis fungoides with lymph node or visceral involvement.

13.04 *Sarcoma of soft parts:* Not controlled by prescribed therapy.

13.05 *Malignant melanoma:*

A. Recurrent after wide excision; or

B. With metastasis to adjacent skin (satellite lesions) or elsewhere.

13.06 *Lymph nodes:*

A. Hodgkin's disease or non-Hodgkin's lymphoma with progressive disease not controlled by prescribed therapy; or

B. Metastatic carcinoma in a lymph node (except for epidermoid carcinoma in a lymph node in the neck) where the primary site is not determined after adequate search; or

C. Epidermoid carcinoma in a lymph node in the neck not responding to prescribed therapy.

13.07 *Salivary glands*—carcinoma or sarcoma with metastasis beyond the regional lymph nodes.

13.08 *Thyroid gland*—carcinoma with metastasis beyond the regional lymph nodes, not controlled by prescribed therapy.

13.09 *Breast:*

A. Inoperable carcinoma; or

B. Inflammatory carcinoma; or

C. Recurrent carcinoma, except local recurrence controlled by prescribed therapy; or

D. Distant metastasis from breast carcinoma (bilateral breast carcinoma, synchronous or metachronus, is usually primary in each breast); or

E. Sarcoma with metastasis anywhere.

13.10 *Skeletal system* (exclusive of the jaw):

A. Malignant primary tumors with evidence of metastases and not controlled by prescribed therapy; or

B. Metastatic carcinoma to bone where the primary site is not determined after adequate search.

13.11 *Mandible, maxilla, orbit, or temporal fossa:*

A. Sarcoma of any type with metastasis; or

B. Carcinoma of the antrum with extension into the orbit or ethmoid or sphenoid sinus, or with regional or distant metastasis; or

C. Orbital tumors with intracranial extension; or

D. Tumors of the temporal fossa with perforation of skull and meningeal involvement; or

E. Adamantinoma with orbital or intracranial infiltration; or

F. Tumors of Rathke's pouch with infiltration of the base of the skull or metastasis.

13.12 *Brain or spinal cord:*

A. Metastatic carcinoma to brain or spinal cord.

B. Evaluate other tumors under the criteria described in § 11.05 and § 11.08.

13.13 *Lungs:*

A. Unresectable; or

B. With metastases; or

C. Recurrent after resection; or

D. Incomplete excision; or

E. Oat cell carcinoma.

13.14 *Pleura or mediastinum:*

A. Malignant mesothelioma of pleura; or

B. Malignant tumors, metastatic to pleura; or

C. Malignant primary tumor of the mediastinum not controlled by prescribed therapy.

13.15 *Abdomen:*

A. Generalized carcinomatosis; or

B. Retroperitoneal cellular sarcoma not controlled by prescribed therapy; or

C. Ascites with demonstrated malignant cells.

13.16 *Esophagus or stomach:*

A. Carcinoma or sarcoma of the upper two-thirds of the esophagus,

B. Carcinoma or sarcoma of the distal one-third of the esophagus with metastasis to the regional lymph nodes or extension to surrounding structures; or

C. Carcinoma of the stomach with metastasis to the regional lymph nodes or extension to surrounding structures; or

D. Sarcoma of stomach not controlled by prescribed therapy; or

E. Inoperable carcinoma; or

F. Recurrence or metastasis after resection.

13.17 *Small intestine:*

A. Carcinoma, sarcoma, or carcinoid tumor with metastasis beyond the regional lymph nodes; or

B. Recurrence of carcinoma, sarcoma, or carcinoid tumor after resection; or

C. Sarcoma, not controlled by prescribed therapy.

13.18 *Large intestine* (from ileocecal valve to and including anal canal)—carcinoma or sarcoma.

A. Unresectable; or

B. Metastasis beyond the regional lymph nodes, or

C. Recurrence or metastasis after resection.

13.19 *Liver or gallbladder:*

A. Primary or metastatic malignant tumors of the liver; or

B. Carcinoma of the gallbladder; or

C. Carcinoma of the bile ducts, unresectable or with metastases.

13.20 *Pancreas:*

A. Carcinoma except islet cell carcinoma; or

B. Islet cell carcinoma which is unresectable and physiologically active.

13.21 *Kidneys, adrenal glands, or ureters*—carcinoma.

A. Unresectable; or

B. With metastasis.

13.22 *Urinary bladder*—carcinoma; With:

A. Infiltration beyond the bladder wall; or

B. Metastasis; or

C. Unresectable; or

D. Recurrence after total cystectomy; or

E. Evaluate urinary diversion after total cystectomy under the criteria in § 6.02.

13.23 *Prostate gland*—carcinoma not controlled by prescribed therapy.

13.24 *Testicles:*

A. Choriocarcinoma; or

B. Other malignant primary tumors with progressive disease not controlled by prescribed therapy.

13.25 *Uterus*—carcinoma or sarcoma (corpus or cervix).

A. Inoperable and not controlled by prescribed therapy; or

B. Recurrent after total hysterectomy; or

C. Total pelvic exenteration.

13.26 *Ovaries:* All malignant primary or recurrent tumors. With:

A. Ascites with demonstrated malignant cells; or

B. Unresectable infiltration; or

C. Unresectable metastasis to omentum or elsewhere in the peritoneal cavity; or

D. Distant metastasis.

13.27 *Leukemia:* Evaluate under the criteria of § 7.00ff, Hemic and Lymphatic System.

13.28 *Uterine (Fallopian) tubes*—carcinoma or sarcoma, unresectable or with metastasis.

[FR Doc. 79-9154 Filed 3-26-79; 8:45 am]

[4210-01-M]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-4600]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Decatur, Morgan County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Decatur, Morgan County, Alabama. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Decatur, Morgan County, Alabama.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Decatur, Morgan County, Alabama are available for review at North Central Alabama Regional Council of Governments, 5th floor, Decatur City Hall, Decatur, Alabama.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Decatur, Morgan County, Alabama.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tennessee River	Just upstream U.S. Highways 31 and 72.	560
	Confluence of Flint Creek.	561
Betty Rye Branch.	Western Corporate Limits.	566
	Just downstream 2nd Street.	578
Dry Branch	Just downstream Washington Street.	561
	Just upstream Moulton Street.	564
	2nd Avenue	576
	Just downstream of 19th Avenue.	601
Flint Creek	Just upstream of State Highway 67.	562
	Southern Corporate Limits.	565
Brush Creek	Flint Road	565
	Chenault Drive	569
Clark Spring Branch.	Stanley Street	572
	Just upstream of Sandlin Road.	586

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clark Spring Branch.	Confluence of No. 3 Tributary to Clark Spring Branch.	601
No. 3 Tributary to Clark Spring Branch.	Just downstream Danville Road.	608
	Just upstream Danville road.	610
Sheet Flow area	Intersection of Fairway Circle and Fairway Drive.	569

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8813 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3474]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Northport, Tuscaloosa County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Northport, Tuscaloosa County, Ala. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Northport, Tuscaloosa County, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Northport, Tuscaloosa County, Ala. are available for review at McGuire Engineering Company, Northport, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Northport, Tuscaloosa County, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Warrior River.	Confluence of Mill Creek.	148
	Upstream of Lurleen Wallace Blvd.	152
Black Warrior Tributary #1.	Upstream of Fifth Street.	151
	Downstream of Ninth Street.	151
Mill Creek	Upstream of Fifth Street.	148
	Upstream of 37th Street	157
	Upstream of Flatwoods Road.	165
Mill Creek Tributary #1.	Upstream of 12th Street	149
	Upstream of 17th Street	160
Mill Creek Tributary #2.	Confluence with Mill Creek Tributary #1.	148
	Upstream of 17th Street	153
	Upstream of 24th Street	176
	Upstream of 33rd Street	214
Mill Creek Tributary #3.	Forty-third Avenue (extended).	162
	Downstream of U.S. Hwy. 43.	170
Mill Creek Tributary #4.	Downstream of U.S. Hwy. 43.	176
Tater Hill Creek....	Upstream of Old Columbus Road.	149
	Approx. 150 feet upstream of U.S. 82.	159
Tater Hill Creek Tributary #1.	Upstream of U.S. Hwy. 82.	160
	Upstream of 34th Street	172
Twomile Creek	Approx. 175 feet upstream of U.S. Hwy. 82.	162
	Upstream of Union Chapel Road.	205
	Downstream of Old Barness Road.	233
Twomile Creek Tributary #1.	Approx. 125 feet upstream of U.S. 82.	161
	Upstream of Alabama 69	174
Twomile Creek Tributary #2.	Upstream of Shirley Road.	205
	Approx. 100 feet upstream of Country Road 14.	232
	Upstream of Crawford Road.	268
Twomile Creek Tributary #2A.	Confluence with Twomile Creek Tributary #2.	205
	Downstream of Country Road 14.	265
Twomile Creek Tributary #3.	Confluence with Twomile Creek.	170
	Confluence of Twomile Creek Tributary #3A.	193
Twomile Creek Tributary #3A.	Upstream of Indian Lake Road.	196
Twomile Creek Tributary #4.	Upstream of Hunter Creek Road.	191
	Upstream of 43rd Street	218
Twomile Creek Tributary #5.	Upstream of Twin Oaks Road.	216
	Upstream of Union Chapel Road.	236
Twomile Creek Tributary #5A.	100 feet upstream of Confluence with Twomile Creek Tributary #5.	218

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8814 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3581]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Municipality of Anchorage, Alaska

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Municipality of Anchorage, Alaska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Municipality of Anchorage, Alaska.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Municipality of Anchorage, Alaska, are available for review at the Loussac Library, 415 F. Street, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Municipality of Anchorage, Alaska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, Greater Anchorage area borough, post quake, U.S. Coastal and Geodetic Survey, mean sea level datum of 1972 (MSL)
Peters Creek	Mouth	19
	Alaska Railroad	73
	Helluva Street (extended).	142
	Valley Avenue (extended).	183
	New Glenn Highway	259
	Old Glenn Highway	271
	Confluence of Little Peters Creek.	303
Meadow Creek	300' upstream of confluence with Eagle River.	220
	Eagle River Road	335
	Eagle River Loop Road	616
Ship Creek	Confluence with Knik Arm.	19
	C Street	19
	Alaska Railroad	31
	Post Road	40
	Fort Richardson Military Reservation Boundary.	75
Chester Creek	Confluence with Knik Arm.	19
	Spenard Thruway	21
	Spenard Road	23
	Arctic Boulevard	23
	C Street	28
	Gambell Street	49
	Confluence with South Fork Chester Creek.	66
South Fork Chester Creek.	Confluence with Chester Creek.	66
	Maplewood Street	87
	Lake Otis Parkway	92
	East Northern Lights Boulevard.	114
	Mallard Drive	121
	Providence Avenue	138
	Wesleyan Drive	174
	Knight's Way	177
	Confluence with South Branch of South Fork Chester Creek.	180
South Branch of South Fork Chester Creek.	Checkmate Drive	183
	Downstream of Boniface Parkway.	186
	Upstream of Boniface Parkway.	198
	33rd Avenue	198
	Campbell Field Road	202
	Carnaby Way	204
	Upstream of East Northern Lights Boulevard.	210
	Baxter Road	212
	East 20th Avenue	232
	East 17th Avenue	234
	Muldoon Road	252
Middle Branch of South Fork Chester Creek.	DeBarr Road	251
	Muldoon Road	251
	Rangeview Avenue	259
	Valley road	262
	Cherry Street	265
Fish Creek	Alaska Railroad 1,700 feet downstream of Forest Park Drive.	30
	Upstream of Forest Park Drive.	34
	Upstream of Northern Lights Boulevard.	35
	Alaska Railroad 600 feet downstream of 30th Avenue.	41
	Upstream of 30th Avenue.	42
	Upstream of McRae Road.	47
	Upstream of Spenard Road.	58
	Northwood Drive	58
	Upstream of 44th Avenue.	65
	Alaska Railroad 1,200 feet downstream of Minnesota Avenue.	78
	Upstream of Minnesota Avenue.	82
	Chugach Way	85
	Upstream of Arctic Boulevard.	92
	Upstream of 36th Avenue.	100
	Upstream of Old Seward Highway.	115
	Upstream of New Seward Highway.	116
	Upstream of Tudor Road near Becharof Street.	122
	Upstream of Shelikef Street.	127
	Upstream of Tudor Road between Lake Otis Parkway and Macinnes Road.	132
	Upstream of Lake Otis Parkway.	137
Campbell Creek	Campbell Lake	20
	Dimond Boulevard	26
	Mentra Street	42
	Rovena Street	46
	Arctic Boulevard	53
	C Street	59
	Alaska Railroad	78
	Dowling Road	98
	Old Seward Highway	107
	New Seward Highway	118
	Cache Drive	123
	Dimond Drive	134
	Lake Otis Parkway	141
North Fork Campbell Creek.	Confluence with Campbell Creek.	153
South Fork Campbell Creek.	Confluence with Campbell Creek.	153
	East 50th Avenue (extended).	156
Little Campbell Creek.	Confluence with Campbell Creek.	77
	Nathan Drive	81
	Glade Place	88
North Fork Little Campbell Creek.	Confluence with Little Campbell Creek.	89
	Upstream of Old Seward Highway.	95
	Upstream of East 72nd Avenue.	99
	Upstream of East 71st Avenue.	104
	Upstream of New Seward Highway.	113

Source of flooding	Location	Elevation in feet, Greater Anchorage area borough, post quake, U.S. Coastal and Geodetic Survey, mean sea level datum of 1972 (MSL)
South Branch of North Fork Little Campbell Creek.	Confluence with North Fork Little Campbell Creek.	133
	Downstream of Lake Otis Parkway.	145
	Upstream of East 68th Avenue.	148
	Upstream of East 72nd Avenue.	162
	Sprucé Road	186
	Downstream of Abbott Loop Road.	210
North Branch of North Fork Little Campbell Creek.	Confluence with North Fork Little Campbell Creek.	133
	Lake Otis Parkway	141
	Upstream of East 68th Avenue.	161
South Fork Little Campbell Creek.	Confluence with Little Campbell Creek.	89
	East 76th Street	90
	Upstream of Old Seward Highway.	96
	Downstream of New Seward Highway.	113
	Upstream of New Seward Highway.	118
Rabbit Creek	Upstream of New Seward Highway.	16
	Upstream of Old Seward Highway.	79
California Creek	Upstream of Alaska Railroad.	30
	Gunnysack Road (extended).	34
	Fern Circle	74
	Beaver Circle	84
	Downstream of Alyeska Road.	97
	Upstream of Alyeska Road.	109
	Crow Creek Road	156
Glacier Creek	Confluence with Turnagain Arm.	22
	Seward Highway	22
	Upstream of Alaska Railroad.	29
	Mineral Circle	60
	Gold Circle	77
	Alyeska Road	106
	Chugach State Park Boundary.	157

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8815 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4650]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Buckeye, Maricopa County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Buckeye, Maricopa County, Arizona. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Buckeye, Maricopa County, Arizona.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Buckeye, Maricopa County, Arizona, are available for review at the Town Hall, Buckeye, Arizona.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Buckeye, Maricopa County, Arizona.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow Flooding	North of Buckeye Canal	[1]1
	South of Buckeye Canal	[1]2
Shallow Ponding	North of Southern Pacific Railroad.	[2]891

[1] AO Depth.
[2] AH Elevation.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8816 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3976]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The City of Napa, Napa County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Napa, Napa County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map

(FIRM), showing base (100-year) flood elevations, for the City of Napa, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Napa, are available for review at the Department of Public Works, City Hall, Napa, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Napa, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Napa River	Imola Avenue—300 feet*	11
	Third Street—30 feet**...	17
	First Street—450 feet** ..	20
	Lincoln Avenue—70 feet*.	24
Napa Creek	Clinton Street—10 feet*.	25
	Seminary Street—80 feet**.	29
	Jefferson Street—20 feet**.	31
	Robinson Lane—20 feet*	62
	Browns Valley Road—60 feet*.	103
Redwood Creek	West Pueblo Avenue—20 feet*.	90
Sarco Creek	Silverado Trail—20 feet*	29
Tulucay Creek	State Highway 121—440 feet*.	16

*Upstream of centerline.
**Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8817 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4655]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Oakdale, Stanislaus County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Oakdale, Stanislaus County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Oakdale, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Oakdale, are available for review at City Hall, 280 North Third Avenue, Oakdale, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Oakdale, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stanislaus River	Corporate limits located 5200 feet downstream Highway 120.	99
	Highway 120 Bridge—50 feet*.	104
	Corporate Limits located 4050 feet upstream Highway 120.	108
	Downstream Corporate Limits in Kerr Park.	112
	Upstream Corporate Limits in Kerr Park.	113

* Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8818 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4605]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Maitland, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Maitland, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Maitland, Orange County, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Maitland, Orange County, Fla., are available for review at the City Hall, Maitland, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Maitland, Orange County, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Sybelia	Intersection of Lake Sybelia Drive and Jackson Street.	78
Lake Jackson	Just north of Brook Drive.	84
Lake Destiny	Just west of Lake Destiny Drive.	93
Lake Lucien	At Maitland Cemetery	94
Lake Hungerford	Intersection of Calver Avenue and Bethune Drive.	97
Lake Charity	Approximately 400 feet north of Maitland Boulevard.	73
Lake Hope	Lake Hope at the northern corporate limits.	74
Lake Faith	Just northwest of the intersection of Maitland Avenue and Greenwood Road.	73
Park Lake	Just north of Gem Lake Drive.	73
Lake Maitland	Intersection of Whitecaps Circle and Adams Drive.	68
Lake Minnehaha	At Minnehaha Lane	68
Lake Catherine	Lake Catherine Drive	71
Howell Creek	Just downstream of Horatio Avenue.	68
Stream A	Chippewa Trail (extended).	68
Lake Gem	Just north of the intersection of Monroe Avenue and Lewis Drive.	73

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8819 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4606]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Pompano Beach, Broward County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Pompano Beach, Broward County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Pompano Beach, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Pompano Beach, are available for review at City Hall, Pompano Beach, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Pompano Beach, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Atlantic Ocean	Intersection of Andrews Avenue and SW 8th Street.	8
	Intersection of South Cypress Road and SE 11th Street.	8
	Intersection of North Riverside Drive and North Ocean Boulevard.	8
Shallow Ponding...	Intersection of NW 15th Street and NW 14th Avenue.	13
	Intersection of NW 4th Avenue and NW 10th Street.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8820 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4685]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Chickamauga, Walker County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Chickamauga, Walker County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Chickamauga, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Chickamauga, are available for review at City Hall, 240 Cove Road, Chickamauga, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Chickamauga, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coke Oven Branch.	Wilder Road—30 feet*	726
	Southern Railway—50 feet*.	733
	Thomas Avenue—50 feet*.	734
	Georgia Highway 341—50 feet*.	738
Unnamed Tributary No. 1 (Coke Oven Branch).	Private Road No. 1—20 feet*.	756
	Private Road No. 2—20 feet*.	756
	Private Road No. 3—20 feet*.	756
Unnamed Tributary No. 2 (Coke Oven Branch).	Confluence with Coke Oven Branch—20 feet*.	742
Crawfish Spring Lake.	Southern Railway—80 feet**.	725

*Upstream from centerline.
**Downstream from centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8821 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4543]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Bannock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Bannock County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Bannock County, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Bannock County, are available for review at Bannock County Courthouse, Pocatello, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Bannock County, Idaho.

This final rule is issued in accordance with section 110 of the Flood Dis-

aster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portneuf River	Cheyenne Street—100 feet*.	4465
	Confluence with Mink Creek.	4485
	Fort Hall Mine Road—100 feet*.	4492
	Union Pacific Railroad (downstream crossing)—50 feet*.	4516
	I-15—centerline	4530
	Confluence with Robbers Roost Creek.	4646
	U.S. Highway 91—centerline.	4720
	North Street—centerline.	4762
	Confluence with Dempsey Creek.	4959
	U.S. Highway 30 (upstream crossing)—centerline.	5085
Pocatello Creek	Corporate Limits—downstream.	4685
	Confluence with North Fork Pocatello Creek.	4865
North Fork Pocatello Creek.	South Fork Pocatello Creek Road—30 feet*.	4870
Gibson Jack Creek	Bannock Highway—Access Road—centerline.	4541
Mink Creek	Bannock Highway—10 feet*.	4523
Fort Hall Mine Creek.	Private Road—centerline.	4640
Rapid Creek	Jackson Creek Road—centerline.	4626
	Confluence with Shaw Creek.	4718
	Rapid Creek Road—75 feet*.	4920
	Confluence with North Fork Rapid Creek.	5061
North Fork Rapid Creek.	Hoot Owl Road—25 feet*.	5064
	Rapid Creek Road (downstream crossing)—50 feet*.	5178
	Rapid Creek Road (upstream crossing)—50 feet*.	5386
West Fork Rapid Creek.	Confluence with North Fork Rapid Creek.	5061
	Private Road (upstream crossing)—10 feet*.	5354
Marsh Creek	Confluence with Portneuf River.	4527
	Confluence with Walker Creek.	4563
	Merrell Road—25 feet*	4598
	Goodenough Road—100 feet downstream of centerline.	4613
	Goodenough Road—25 feet*.	4621
	Robin Road—centerline.	4622
Walker Creek	Marsh Creek Road—20 feet*.	4614
Bell Marsh Creek	Marsh Creek Road—20 feet*.	4628
Unnamed Tributary to Marsh Creek.	Marsh Creek Road—10 feet*.	4675
Dry Canyon Creek	Marsh Creek Road—40 feet*.	4729
Goodenough Creek.	Confluence with Rowe Creek.	4699
Cottonwood Creek	Marsh Creek Road—15 feet*.	4682
Birch Creek	Robin Road—10 Feet*	4634
	Marsh Creek Road—60 feet*.	4688
	Preslar Road—25 feet*	4761
Ellis Creek	Preslar Road—centerline.	4742

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 30, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8822 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4608]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Blackfoot, Bingham County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Blackfoot, Bingham County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Blackfoot, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Blackfoot, are available for review at City Hall, 157 North Broadway, Blackfoot, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Blackfoot, Idaho. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Snake River	County Road Bridge—50 feet*.	4480
	U.S. Highway 26-50 feet*.	4481
	Interstate 15-50 feet*	4493
Blackfoot River	Downstream Corporate Limits.	4489
	Upstream Corporate Limits.	4499
	Area adjacent to Pendelbury Lane (Shallow Flooding).	**2

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blackfoot River.....	At intersection of Willis Street and South University Avenue (Shallow Flooding).	**1

*Upstream of centerline.
**Depth.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8823 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4307]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the city of Osburn, Shoshone County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Osburn, Shoshone County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Osburn, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Osburn, are available for review at City Hall, 921 East Mullan Avenue, Osburn, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Osburn, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork Coeur D'Alene.	Interstate Highway 90-110 feet*.	2442
	Interstate Highway 90 and Frontage Road—130 feet*.	2446
	Terror Gulch Road—35 feet*.	2461
	Two Mile Creek Road—50 feet downstream of centerline.	2504
	Two Mile Creek Road—50 feet upstream.	2509
	At Corporate Limits.....	2560
	Nuckols Gulch Road—10 feet*.	2563
	Corporate Limits (310 feet upstream).	2571
	Corporate Limits (limit of study).	2583

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8824 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4490]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for Shoshone County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Shoshone County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for Shoshone County, Idaho.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Shoshone County, are available for review at County Commissioner Office, Wallace, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Shoshone County, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed

base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bear Creek	100 feet upstream of confluence with St. Joe River.	2182
	Unnamed Road—10 feet*.	2185
	Unnamed Road—20 feet**.	2189
Beaver Creek	Cedar Creek Road—50 feet**.	2380
Big Creek	1st Crossing Access Road—50 feet**.	2571
	1st Crossing Big Creek Road—50 feet**.	2588
	2nd Crossing Access Road—50 feet**.	2604
	2nd Crossing Big Creek Road—50 feet**.	2612
	Diversion Dam—40 feet*	2678
	Diversion Dam—20 feet*	2684
Canyon Creek	1st Crossing Access Road—80 feet**.	2784
	2nd Crossing Access Road—60 feet**.	2967
	Railroad—20 feet**	3069
Coeur d'Alene River.	300 feet upstream of County Line.	2150
	Union Pacific Railroad—50 feet**.	2173
	1st Crossing County Road—100 feet**.	2179
	2nd Crossing County Road—50 feet**.	2201
	3rd Crossing County Road—50 feet**.	2342
	4th Crossing County Road—50 feet**.	2376
	5th Crossing County Road—100 feet**.	2391
Eagle Creek	Unnamed Road—50 feet**.	2534
French Gulch	I-90—100 feet**	2161
	U.S. Highway 10—20 feet**.	2164
	1st Crossing Driveway—80 feet**.	2183
	2nd Crossing Driveway—60 feet**.	2187
	3rd Crossing Driveway—20 feet**.	2193
	4th Crossing Driveway—20 feet**.	2209
	5th Crossing Driveway—20 feet**.	2216
North Fork Coeur d'Alene River.	Unnamed Road—20 feet**.	2200
Pine Creek	Union Pacific Railroad Bridge—50 feet*.	2187
	Union Pacific Railroad Bridge—50 feet**.	2195
	I-90 Bridge—20 feet**	2198
	Ohio Avenue Bridge—50 feet**.	2244
	1st Crossing Pine Creek Road—40 feet*.	2285
	1st Crossing Pine Creek Road—30 feet**.	2290
	2nd Crossing Pine Creek Road—20 feet*.	2312
	2nd Crossing Pine Creek Road—30 feet**.	2316
	3rd Crossing Pine Creek Road—100 feet**.	2329
	4th Crossing Pine Creek Road—30 feet*.	2361
	4th Crossing Pine Creek Road—20 feet**.	2365
	5th Crossing Pine Creek Road—20 feet*.	2380
	5th Crossing Pine Creek Road—30 feet**.	2384
	6th Crossing Pine Creek Road—100 feet**.	2394
	Ross Gulch Road—50 feet**.	2433
	7th Crossing Pine Creek Road—80 feet**.	2548
Placer Creek	1st Crossing Driveway—20 feet**.	2793
	4th Crossing Driveway—20 feet**.	2800
	Placer Creek Road—20 feet**.	2841
Prichard Creek	500 feet upstream of confluence with Eagle Creek.	2535
South Fork Coeur d'Alene.	200 feet upstream of confluence with Pine Creek.	2188
	County Bridge—100 feet*.	2226
	County Bridge—50 feet**.	2231
	Elizabeth Park Road—50 feet**.	2344
	Big Creek Road—50 feet**.	2406
	1st Crossing I-90—20 feet**.	2441
	Terror Gulch Road—50 feet**.	2462
	Two Mile Creek Road—100 feet*.	2503
	Two Mile Creek Road—50 feet**.	2509
	Nuckols Gulch Road—50 feet**.	2563
	2nd Crossing I-90—50 feet**.	2610
	Revenue Gulch Road—80 feet**.	2633
	3rd Crossing I-90—50 feet**.	2645
	Private Drive—50 feet**	2665
	1st Crossing Union Pacific Railroad—50 feet**.	2699
	1st Crossing Access Road—50 feet**.	2706
	4th Crossing I-90—60 feet**.	2825
	5th Crossing I-90—50 feet**.	3179
	6th Crossing I-90—50 feet**.	3299
	2nd Crossing Access Road—20 feet**.	3322
	U.S. Highway 10—50 feet**.	3345
	South Fork Road—30 feet*.	3377
	South Fork Road—50 feet**.	3385
	Service Road—50 feet**	3451
St. Joe River	440 feet upstream of confluence with Bear Creek.	2183

*Downstream of centerline.
**Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8825 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4748]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Lake Station, Lake County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lake Station, Lake County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Lake Station, Lake County, Indiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lake Station, Lake County, Indiana, are available for review at the Lake Station City Hall, 3625 Central Avenue, Lake Station, Indiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Lake Station, Lake County, Indiana.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deep River	Upstream Corporate Limits.	603
	State Route 51 (Approximately 5,800' downstream of Corporate Limits).	602
	State Route 51 (Approximately 12,800' downstream of Corporate Limits).	601
	26th Avenue	600
	Grand Boulevard	599
	Conrail	598
	Liverpool Road	598
Burns Ditch	Interstate 80-94	597
	Clay Street	596
	State Route 51	596
	Toll Road Exit 4	596
	Indiana Toll Road	596

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8826 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4750]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Mooresville, Morgan County, Ind.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Mooresville, Morgan County, Indiana. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Mooresville, Morgan County, Indiana.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Mooresville are available for review at the Town Hall, South Indiana Street, Mooresville, Indiana.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Mooresville, Morgan County, Indiana.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White Lick Creek	Approximately 100 feet upstream of Conrail Bridge.	667
	Just upstream of 1300 North Road.	672
	Approximately 0.5 mile upstream of 1300 North Road.	674
East Fork White Lick Creek.	Just upstream of State Route 67.	665
	Just upstream of Bridge Road.	670
	Just upstream of Conrail Bridge.	676
	Approximately 0.4 mile upstream of Conrail Bridge.	677

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 2, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8827 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4689]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Ida Grove, Ida County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ida Grove, Ida County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Ida Grove, Ida County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ida Grove are available for review at the City Hall, Ida Grove, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Ida Grove, Ida County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maple River	Western corporate limits.	1,214
	400 feet downstream of U.S. Highway 59 and State Highway 175.	1,215
	50 feet upstream of U.S. Highway 59 and State Highway 175.	1,216
	1400 feet upstream of U.S. Highway 59 and State Highway 175.	1,218
	3000 feet upstream of U.S. Highway 59 and State Highway 175.	1,220
	Northern corporate limits.	1,222
Badger Creek	Western corporate limits.	1,214
	Downstream side of Rohwer Street.	1,221
	30 feet upstream from Fifth Street.	1,228
	Upstream side of Seventh Street.	1,233
	Upstream side of South Main Street.	1,236
	Southern corporate limits.	1,247
	1250 feet upstream of southern corporate limits at limit of flooding in community.	1,252
Odebolt Creek	Western corporate limit.	1,215
	Upstream side of Moorehead Avenue.	1,218
	Upstream side of Washington Street.	1,220
	1630 feet upstream of Washington Street.	1,222
	Just upstream of golf course footbridge.	1,226
	200 feet upstream of county road.	1,228
	470 feet downstream of Chicago and Northwestern Railroad.	1,230
	Southeastern corporate limits.	1,234

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 12, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8828 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4772]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Keosauqua, Van Buren County, Iowa

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Keosauqua, Van Buren County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Keosauqua, Van Buren County, Iowa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Keosauqua are available for review at the City Hall, Keosauqua, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Keosauqua, Van Buren County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Moines River	At downstream corporate limit.	574
	700 feet upstream of Main Street.	576
	At upstream corporate limit.	576

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's dele-

gation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7 (o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8829 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4610]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Benham, Harlan County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Benham, Harlan County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Benham, Harlan County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Benham, Harlan County, Ky. are available for review at the City Hall, Benham, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Benham, Harlan County, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Looney Creek.....	Just downstream of Kentucky Avenue Bridge.	1521
	Kentucky 160 Bridge.....	1580
Maggard Branch...	Just downstream of Kentucky 160 Bridge.	1591
Haggard Branch....	Just upstream of Central Avenue Bridge.	1615

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8830 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4664]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Hopkinsville, Christian County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hopkinsville, Christian County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Hopkinsville, Christian County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hopkinsville, Christian County, Kentucky, are available for review at the Municipal Building, 101 North Main Street, Hopkinsville, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Hopkinsville, Christian County, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork of the Little River.	Just downstream of Millbrook Drive.	512
	Just downstream of North Drive.	523
	Just downstream of Virginia Street.	527
South Fork of the Little River.	Just downstream of Marietta Drive.	519

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Fork of the Little River.	Just downstream of Fort Campbell Boulevard (U.S. Highway 41A).	520
	Just downstream of Nashville Road.	528
Sanderson Creek...	Just downstream of Glass Avenue.	526
	Just downstream of Andrew Avenue.	540

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8831 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4611]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the town of Colfax, Grant Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Colfax, Grant Parish, La. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Colfax, Grant Parish, La.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Colfax, Grant Parish, La., are available for review at Town Hall, 401 Eighth Street, Colfax, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Colfax, Grant Parish, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Red River	Northern Corporate Limits.	106
	Southern Corporate Limits.	106
Bayou Rigolette	Intersection of Church and Iatt Streets.	95
System (Backwater area).	Intersection of Graham and Lake Streets.	95

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of Housing and Urban Development Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8832 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4497]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the town of Randolph, Kennebec County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Randolph, Kennebec County, Maine. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the town of Randolph, Maine.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Randolph, are available for review at Randolph Town Office, Water Street, Randolph, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the town of Randolph, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kennebec River.....	Randolph-Gardiner Bridge-20 feet*.	28
Togus Stream	State Route 27 Bridge-20 feet*.	28
	Transmission Line Crossing-30 feet*.	30
	Barber Road Bridge-40 feet*.	74

*Upstream of centerline

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8833 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4502]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Seekonk, Bristol County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Seekonk, Bristol County, Massachusetts. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Seekonk, Bristol County, Massachusetts.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Seekonk are available for review at the Town Clerk's Office, Town Hall, Seekonk, Massachusetts.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for Town of Seekonk, Bristol County, Massachusetts.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ten Mile River	1,300 feet downstream of Fall River Avenue.	22
	Upstream side of Fall River Avenue.	42
	Upstream side of Turner Reservoir Dam.	51
	Upstream side of Newman Avenue.	52
	2,000 feet upstream of Armistice Boulevard.	60
	Just upstream of Central Avenue.	67
	600 feet downstream of Dye Factory Dam.	69
	Just downstream of Dye Factory Dam.	73
	Just upstream of Dye Factory Dam.	76
	Just upstream of Pond Street.	78
Oak Hill Stream....	At downstream northern corporate limit.	79
	Just upstream of Borden Avenue.	85
	Just downstream of Bishop Avenue.	86
	Just upstream of Bishop Avenue.	88
	500 feet upstream of Bishop Avenue.	93
	Just upstream of Conrail.	105
Coles Brook.....	Mouth at Central Pond..	52
	Just downstream of Newman Avenue.	53
	Just upstream of Newman Avenue.	57
	Just upstream of Talbot Way.	59
	1,800 feet upstream of Talbot Way.	60
Runnins River.....	Mouth at Barrington River.	10
	550 feet downstream of Highland Avenue.	11
	Just upstream of Highland Avenue.	12
	Just downstream of Interstate 195.	13
	Just downstream of County Street.	14
	Just upstream of County Street.	17
	Just downstream of Burrs Pond Dam.	18
	Just upstream of Burrs Pond Dam.	30
	Just downstream of Old Grist Mill Dam.	33
	Just upstream of Old Grist Mill Dam.	40
	Just downstream of Pleasant Street.	44
	Just upstream of Pleasant Street.	46
	Just upstream of Taunton Avenue.	47
	Just downstream of Ledge Road.	53
	Just upstream of Ledge Road.	57
	Just downstream of Greenwood Avenue.	60
	Just upstream of Greenwood Avenue.	63

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719)).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 3, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8834 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4442]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Wellesley, Norfolk County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wellesley, Norfolk County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Wellesley, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wellesley, are available for review at Town Hall, Wellesley, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Wellesley, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lower Charles River.	Conrail—60 feet*	42
	Newton Lower Falls Dam—80 feet*.	47
	Coringly Dam—80 feet**	51
	Coringly Dam—80 feet*.	64
	Cochituate Aqueduct—80 feet*.	66
	State Route 9 Culvert—80 feet**.	67
	State Route 9 Culvert—130 feet*.	75
Upper Charles River.	Confluence with Waban Brook.	110
	Driveway—100 feet*	111
Waban Brook	Washington Street	110
	Footbridge	110
	Footpath at upstream end of Lake Waban—40 feet*.	113
	Conrail—120 feet*	124
Morse Pond	Areas adjacent to shoreline.	125

*Upstream of centerline.
**Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8835 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4707]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Belton, Cass County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Belton, Cass County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Belton, Cass County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Belton are available for review at the City Hall, Belton, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Belton, Cass County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oil Creek	Northern corporate limit.	975
	1750 feet downstream of 162nd Street.	995
	Upstream side of 162nd Street.	1,006
	Upstream side of 163rd Street.	1,009
	Upstream side of East Outer Road.	1,011
	2,200 feet upstream of East Outer Road.	1,024

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork East Creek.	Southern corporate limit.	974
	Upstream side of Cambridge Road.	987
	Downstream side of Cleveland Avenue at southwestern corporate limit.	999

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8836 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4589]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The City of Steele, Pemiscot County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Steele, Pemiscot County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Steele, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Steele, are available for review at City Hall, 115 South Walnut Street, Steele, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Steele, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main Ditch 6.....	Kelly Street—100 feet*...	259
	Walnut Street—100 feet*.	259
Lateral A	Steele Auxiliary Airfield	258

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8837 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4508]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for The Town of Dover, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Dover, Morris County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Dover, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Dover, are available for review at Town Hall, 37 North Sussex County, Dover, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Dover, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rockaway River	Blackwell Street—50 feet*	556
	Mercer Street—30 feet*	558
	Union Street—50 feet*	561
	Essex Street—50 feet*	565
	Warren Street—50 feet*	570
	Conrail—20 feet* (1st crossing)	577
	U.S. Highway 46 (West Blackwell Street)—30 feet*	578
	Footbridge—70 feet*	587
	Conrail—20 feet* (2nd crossing)	604
	Dover & Rockaway Railroad—20 feet*	606
McKeels Brook	Richards Avenue—20 feet*	556
	East McFarland Street—20 feet*	568
	Clark Street—100 feet*	573
	Cooper Street—20 feet*	574
Jackson Brook	U.S. Highway 46 (West Blackwell Street)—90 feet**	579
	U.S. Highway 46 (West Blackwell Street)—100 feet*	584
	Brook Lane—20 feet*	593
	Spillway—40 feet**	593
	Spillway—40 feet*	595

*Upstream of centerline.
**Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8839 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-3504]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Colonie, Albany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Colonie, Albany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Colonie, Albany County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Colonie, Albany County, N.Y., are available for review at the Planning Office, Room 205, Colonie Memorial Town Hall, Newtonville, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Colonie, Albany County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hudson River	Downstream Corporate Limits	24
	Upstream Corporate Limits	24
Delphus Kill	Bike Path	197
	Pollock Road (Downstream)	236
	Pollock Road (Upstream)	243
	Interstate 87 (Downstream)	257
	Interstate 87 (Upstream)	266
	Northbound I-87 Entrance Ramp (Upstream)	272
	Northbound I-87 Exit Ramp (Upstream)	283
Kromma Kill	Corporate Limit	32
	Delaware and Hudson Railroad	43
	Lincoln Avenue	43
	Spring Street	51
Lisha Kill	Corporate Limit	270
	Consaul Road	278
	Colonie Golf Course Service Road	287
	State Highway 5	296
	Albany Street (downstream)	298
	Albany Street (upstream)	301
	Dam at Lukens Stables	313
	Private Road	319
	Conrail	324
	Cordell Road (Downstream)	335
Lisha Kill Tributary	Mouth of Lisha Kill Tributary	316
	Overland Street	339
	Nutwood Street	340
	Albany Street	342
	Corporate Limits	344
Mohawk River	Corporate Limit (Downstream)	149
	Niagra Mohawk Dam	165
	Crescent Dam	193
	U.S. Highway 9	194
	Interstate 87	195
	Delphus Kill	197
	Shaker Creek	200
	Corporate Limit (Upstream)	200
Sand Creek	Conrail	194
	Exchange Street	194
	Sand Creek Road (Downstream)	194
	Everett Road	200
	Russell Road	210
	Private Road	213
	Foot Path (Downstream)	228
	Wilkins Avenue	242
	Foot Path (Upstream)	242
	Dirt Road	257
Shaker Creek	Mouth of Shaker Creek	200
	River Road	200
	Mill Road	236
	Farm Road	249
	State Highway 7	252
	Old Niskayuna Road	252
	Pine Grove Road	255
	Sicker Road	260
	Airport Runway 10 (Upstream)	267
	Airport Terminal Road	268
	Airport Road	268
	Ann Lee Home Road	273
	State Highway 155	276

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8838 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4720]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of New Castle, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of New Castle, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of New Castle, Westchester County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of New Castle, Westchester County, N.Y., are available for review at the town Clerk's office, New Castle, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of New Castle, Westchester County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saw Mill River	Downstream Corporate Limits.	309
	Saw Mill River Parkway	312
	New York Route 120	346
	Private Driveway	365
Gedney Brook	Downstream Corporate Limits.	267
	Millwood Road	309
	Swimming Pool Culvert.	333
	Woodmill Road	409
Kisco River	Confluence with New Croton Reservoir.	199
	Lake Road	199
	Nitra Road	215
	Millwood	281
	Upstream Corporate Limits.	284
Branch 2, Kisco River.	Downstream Corporate Limits.	343
	Horseshoe Road	347
	Daly Cross Road	349
	Kathleen Lane	349

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8840 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4637]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Belfield, Stark County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Belfield, Stark County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Belfield, N. Dak.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Belfield, are available for review at City Hall, Belfield, N. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Belfield, N. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Heart River	U.S. Highway 85—100 feet*.	2573
	Pedestrian Bridge—50 feet*.	2576
	Second Avenue East—30 feet*.	2578
	Main Street—30 feet*	2580
	Sixth Avenue—50 feet	2583
Heart River Tributary.	1st Crossing Pedestrian Bridge—50 feet*.	2581
	Second Avenue West—20 feet*.	2582
	2nd Crossing Pedestrian Bridge—50 feet*.	2583
	Fourth Street Northwest—50 feet*.	2584
	Burlington Northern Railroad—50 feet*.	2586

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8841 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4594]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Hebron, Morton County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hebron, Morton County, North Dakota. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Hebron, North Dakota.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hebron, are available for review at Fire Hall, 620 Washington Avenue, Hebron, North Dakota.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Hebron, North Dakota.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Knife River.	Main Avenue—50 feet*	2150
	Fulton Avenue—50 feet*	2159
	Elk Street—50 feet*	2163
	Lincoln Avenue—50 feet*.	2170
	2nd Crossing Burlington Northern Railroad—20 feet*.	2174

*Upstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 31, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8842 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4776]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Heath, Licking County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Heath, Licking County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the city of Heath, Licking County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Heath are available for review at the Municipal Offices, 1287 Hebron Avenue, Heath, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the city of Heath, Licking County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Licking River	Confluence of Lateral Q	812
	Downstream corporate limit.	810
South Fork Licking River.	Upstream corporate limit.	860
	Just upstream of Liberty Drive.	852
	Just upstream of Irving Wick Drive.	845
	Just upstream of Chessie System.	841
	Just downstream of Chessie System.	839
	Just upstream of Hopewell Drive.	821
	Downstream corporate limit.	819
Ramp Creek	Just downstream of Thornwood Drive.	886
	Confluence of Lateral F.	879
	190 feet downstream of Conrail.	876
	1,675 feet downstream of Conrail.	873
	Just upstream of State Route 79.	856
	Confluence with South Fork Licking River.	851
Lateral A	510 feet upstream of Summit Street.	812
	Confluence with Licking River.	811
Lateral Q	3,350 feet upstream of Blue Jay Road.	918
	2,500 feet upstream of Jay Road.	886
	Just upstream of Blue Jay Road.	868
	Just downstream of Blue Jay Road.	858
	Just upstream of Summit Street.	823
	Just downstream of Summit Street.	814
Lateral B	330 feet upstream of State Route 13.	870
	Just upstream of State Route 13.	868
	Downstream corporate limit.	841
Lateral C	1.15 miles upstream of State Route 79.	878
	Just upstream of State Route 79.	860
	Just downstream of State Route 79.	855
	Just upstream of 30th Street.	852
	Just downstream of 30th Street.	847
	Confluence of South Fork Licking River.	841
Lateral D	1,960 feet upstream of Irving Wick Drive East.	936
	Downstream corporate limit at Irving Wick Drive East.	915
Lateral E	Upstream corporate limit.	903
	Just upstream of Conrail.	903
	Just downstream of Conrail.	898
	Downstream corporate limit.	897
Lateral E-A	2,950 feet upstream of corporate limits.	895
	Downstream corporate limit.	880
Lateral F	1,130 feet upstream of confluence of Lateral F-A.	890
	Confluence of Lateral F-A.	882
Lateral F-A	2,700 feet upstream of confluence with Lateral F.	899

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8843 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4763]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of North Olmsted Cuyahoga County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of North Olmsted, Cuyahoga County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of North Olmsted, Cuyahoga County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of North Olmsted are available for review at the Engineer's Office, City Hall, North Olmsted, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of North Olmsted, Cuyahoga County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roots Ditch	100 feet downstream of Canterbury Road.	757
	Downstream of Canterbury Road.	758
	Upstream of Canterbury Road.	761
	290 feet upstream of Canterbury Road.	762
	310 feet upstream of Canterbury Road.	763

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roots Ditch	500 feet upstream of Canterbury Road.	763
	560 feet upstream of Canterbury Road.	764
	Just downstream of golf course bridge 800 feet upstream from Canterbury Road.	765
	Just upstream of golf course bridge 800 feet upstream from Canterbury Road.	766
	At first private bridge	768
	40 feet downstream of Revere Road.	770
	At Burns Road culvert	771
	Downstream side of Decker Road culvert.	772
	Upstream side of Decker Road culvert.	774
	Outlet of culvert about 300 feet downstream of McKenzie Road.	774
	Upstream side of McKenzie Road.	777
	About 850 feet upstream of Stearns Road.	778
Rocky River	Downstream of Lewis Road.	669
	70 feet upstream of Lewis Road.	671
	1,360 feet upstream of Lewis Road.	672
	Upstream corporate limit.	673

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 23, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8844 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4471]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Seaside, Clatsop County, Oreg.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Seaside, Clatsop County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Seaside, Oregon.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Seaside, are available for review at City Hall, 851 Broadway, Seaside, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Seaside, Oregon.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	At shoreline near Avenue N.	20
	At shoreline near 11th Avenue.	20
	At intersection of South Columbia Street and Avenue U (shallow flooding).	1*
	At intersection of South Beach Drive and Avenue N (shallow flooding).	1*
Necanicum River	12th Avenue—20 feet**	11
	Avenue A—20 feet**	12
	Avenue U—20 feet**	14
	Farm Bridge—20 feet**	18
Neawanna Creek	Mill Creek Tidegate—50 feet**.	11
	Abandoned Railroad Grade—50 feet**.	12
	Near Avenue R	13
Circle Creek	2,000 feet upstream of confluence with Necanicum River.	16
	Rippet Road—100 feet***.	29

*Depth, feet.
**Upstream of centerline.
***Downstream of centerline.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: January 25, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8845 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4777]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Beaver, Beaver County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Beaver, Beaver County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Beaver, Beaver County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Beaver, Beaver County, Pennsylvania, are available for review at the Borough Building, Beaver County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Beaver, Beaver County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Downstream Corporate Limits.	702
	Upstream Corporate Limits.	703

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8846 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4129]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Birmingham, Delaware County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Birmingham, Delaware County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the township of Birmingham, Delaware County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Birmingham, Delaware County, Pa., are available for review at the Office of the Township Supervisor, Chadds Ford, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the township of Birmingham, Delaware County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Brandywine Creek	Rock Hill road (extended).	160
	Upstream side of Route 100 crossing.	162
	Upstream side of Conrail crossing.	168
	Baltimore Pike (Upstream side) (Crossing).	170
	Upstream Corporate Limits.	172
Harvey Run	Route 100 crossing (Upstream side).	168
	Upstream side Ring Road crossing.	185
	Heyburn Road (Upstream).	211
	Private Road crossing at headwaters.	306

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8847 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4780]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Cecil, Washington County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Cecil, Washington County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Cecil, Washington County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Cecil, Washington County, Pennsylvania, are available for review at the Municipal Building, R.D. 3, McDonald, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Cecil, Washington County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chartiers Creek.....	Conrail Bridge Downstream of Main Street.	862
	Main Street	866
	South dead end of Center Avenue.	868
	Conrail Bridge upstream of Main Street.	871
	Interstate 79.....	917
	Confluence of Morganza Reservoir Tributary.	918
	Conrail Bridge downstream of Morganza Road.	921
	Morganza Road.....	922
	Curry Avenue.....	925
	Upstream Corporate Limits.	926

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 8848 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4764]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Clearfield, Clearfield County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Clearfield, Clearfield County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Clearfield, Clearfield County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Clearfield, Clearfield County, Pennsylvania, are available for review at the Borough Office, 221 East Market Street, Clearfield, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Clearfield, Clearfield County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Susquehanna River.	Corporate Limits (West)	1,106
	Timber Dam (Downstream).	1,102
	Corporate Limits (East).	1,097

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule

has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8849 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4723]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of East Petersburg, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of East Petersburg, Lancaster County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of East Petersburg, Lancaster County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of East Petersburg, Lancaster County, Pennsylvania, are available for review at the residence of Mrs. Mary Rose Turnpaugh, 6040 Main Street, East Petersburg, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of East Petersburg, Lancaster County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Conestoga Creek.	Manheim Pike (Upstream).	317
	Petersburg Road (Upstream).	329
	Upstream—most Corporate Limits.	336

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978; Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8850 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4599]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Halifax, Dauphin County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Halifax, Dauphin County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Halifax, Dauphin County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Halifax, Dauphin County, Pennsylvania, are available for review at the Halifax Borough Building, Second and Armstrong Streets, Halifax, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Halifax, Dauphin County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Corporate Limits Extended (Downstream).	371
	Rise Street (Upstream) ..	372
	Corporate Limits Extended (Upstream).	372

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8851 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4724]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Borough of Hellertown, Northampton County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Hellertown, Northampton County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Hellertown, Northampton County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Hellertown, Northampton County, Pennsylvania, are available for review at the Borough Hall, Hellertown, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Hellertown, Northampton County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saucon Creek	Corporate Limits (Downstream).	259
	Friedensville Road (Upstream).	277
	Walnut Street (Upstream).	284
	Conrail (Downstream of Tracks).	291
	Conrail (Upstream of Tracks).	296
	Corporate Limits (Upstream).	298
Silver Creek	Conrail Tracks (Downstream).	277
	Conrail Tracks (Upstream).	278
	Front Street	279
	Harris Street (Downstream).	280
	Harris Street (Upstream).	281
	Main Street (Upstream).	284
	Northampton Avenue (Upstream).	290
	Delaware Avenue	293

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o) (4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8852 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4782]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination the Borough of Industry, Beaver County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Industry, Beaver County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Borough of Industry, Beaver County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Industry, Beaver County, Pennsylvania, are available for review at the Borough Building, Industry, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Borough of Industry, Beaver County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or in-

dividuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Midland-Shippingport Bridge.	695
	Confluence of Wolf Run	696
	Confluence of Sixmile Run.	697
	Montgomery Locks and Dam.	698
	Upstream Corporate Limit.	700

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8853 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4727]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Little Mahanoy, Northumberland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Little Mahanoy, Northumberland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Little Mahanoy, Northumberland County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Little Mahanoy, Northumberland County, Pennsylvania, are available for review at the residence of Mr. Carl Keller, R.D. 1, Dornsife, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Little Mahanoy, Northumberland County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahanoy Creek	State Route 225 (Downstream).	497
	State Route 225 (Upstream).	499
	7,900 feet upstream of State Route 225.	511
	Confluence of Zerbe Run/Township Route 405.	518
Zerbe Run	Mahanoy Road	518
	Private Road (3,575 feet upstream of Mahanoy Road).	532
	Mine Dump Road/Township Route 409.	549
	3,500 feet upstream of Mine Dump Road/Township Route 409.	568
	7,500 feet upstream of Mine Dump Road/Township Route 409.	605

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 28, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8854 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4733]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Tremont, Schuylkill County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Tremont, Schuylkill County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Tremont, Schuylkill County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Tremont, Schuylkill County, Pennsylvania, are available for review at the office of Mr. Gerald Workman, Chairman of Tremont, R.D. 4, Pine Grove, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Tremont, Schuylkill County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Swatara Creek	Corporate Limits—Downstream.	613
	Legislative Route 53029.	630
	1,100 feet upstream of Legislative Route 53029.	637
	Confluence of Black Creek.	669
	1,000 feet upstream of confluence of Black Creek.	672
	4,500 feet upstream of confluence of Black Creek.	718

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8855 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4735]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of Upper Paxton, Dauphin County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Upper Paxton, Dauphin County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of Upper Paxton, Dauphin County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Upper Paxton, Dauphin County, Pennsylvania, are available for review at the Township Municipal Building, Upper Paxton, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of Upper Paxton, Dauphin County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Susquehanna River.	Confluence of Wiconisco Creek.	384
	Confluence of Shippens Run.	385
	Confluence of Barger Run.	390
	Tributary No. 37 to Susquehanna River.	392
	Confluence of Mahantango Creek.	404
Wiconisco Creek	Confluence with Susquehanna River.	384
	Pa. Route 147 (Market Street).	392
	Confluence of Little Wiconisco Creek (Wiconisco Road).	402
	Township Route 460	426
Tributary No. 1 to Wiconisco Creek.	Confluence with Wiconisco Creek.	400
	State Street	432
	Township Route 466	448
Little Wiconisco Creek.	Wiconisco Street	401
	Pa. Route 209	420
Mahantango Creek.	Confluence with Susquehanna River.	404
	Pa. Route 147	404
	Township Route 302 Bridge.	420

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 9, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8856 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4736]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Township of West Hempfield, Lancaster County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of West Hempfield, Lancaster County, Pennsylvania. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Township of West Hempfield, Lancaster County, Pennsylvania.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of West Hempfield, Lancaster County, Pennsylvania, are available for review at the Municipal Building, 3401 Marietta Avenue, Lancaster, Pennsylvania.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Township of West Hempfield, Lancaster County, Pennsylvania.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Strickler Run	11,000 feet above mouth	311
	Franklin Road (Upstream).	287
	Downstream Corporate Limits.	265
North Branch Strickler Run.	Oswego Drive (Upstream).	298
	Confluence with Strickler Run.	276
Chickies Creek	Chiques Road	340
	Siegrist Road (Upstream).	307
	Valley Road (Upstream)	297
West Branch Little Conestoga Creek.	Donnerville Road (Upstream).	396
	Downstream Corporate Limits.	383

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8857 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4631]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determinations for the Town of Shoreham, Addison County, Vt.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of final rule.

SUMMARY: This document corrects a final rule on base (100-year) flood elevations that appeared on page 44 FR 12185 of the FEDERAL REGISTER of March 6, 1979.

EFFECTIVE DATE: March 6, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

The following

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Champlain	From northern corporate limit to 2,400 feet south of northern corporate limit.	103

Should be corrected to read:

Lake Champlain	From northern corporate limit to southern corporate limit.	103

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: March 13, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8858 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4673]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the City of Hopewell, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hopewell, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the City of Hopewell, Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hopewell, Virginia, are available for review at the Hopewell Municipal Building, 300 North Main Street, Hopewell, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the City of Hopewell, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Appomattox River	Confluence with James River.	8
	Upstream Corporate Limits.	8
Bailey Creek	Confluence with James River.	8
	Confluence with Cattail Creek.	11
	State Route 156 (Upstream).	18
	Confluence with Southerly Run.	35
Bullhill Run	Confluence with Cabin Creek.	27
	Woodside Court Extended.	65
Cabin Creek	Confluence with Appomattox River.	8
	River Road	26
	Jackson Farm Road	47
	Norfolk & Western Railway (Upstream).	74
Cattail Creek	Confluence with Bailey Creek.	10
	Winston Churchill Drive (S.R. 156) (Upstream).	24

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8859 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI- 4674]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Scottsville, Albemarle County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Scottsville, Albemarle County, Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Scottsville, Albemarle County, Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Scottsville, Albemarle County, Virginia, are available for review at the Scottsville Municipal Building, Scottsville, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Scottsville, Albemarle County, Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream Corporate Limit.	282
	Confluence of Mink Creek.	285
	Va. Route 20	286
	Upstream Corporate Limit.	286
Mink Creek	Chesapeake and Ohio Railway.	285
	Main Street	285
	Jackson Street	285
	Building	285
	Tributary to Mink Creek.	285

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8860 Filed 3-26-79; 8:45 am]

[4210-01-M]

[Docket No. FI-4632]

PART 1917—APPEALS FROM PROPOSED FLOOD ELEVATION DETERMINATIONS

Final Flood Elevation Determination for the Town of Stonewood, Harrison County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Stonewood, Harrison County, West Virginia. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the national flood insurance program (NFIP).

EFFECTIVE DATE: The date of issuance of the flood insurance rate map (FIRM), showing base (100-year) flood elevations, for the Town of Stonewood, Harrison County, West Virginia.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Stonewood, Harrison County, West Virginia, are available for review at the Treasurer's Office, Stonewood City Hall, Stonewood, West Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determinations of flood elevations for the Town of Stonewood, Harrison County, West Virginia.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Elk Creek	Downstream Corporate Limit.	969
	Plainwood Avenue (Upstream).	971
	Upstream Corporate Limit.	974

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

In accordance with Section 7(o)(4) of the Department of HUD Act, Section 324 of the Housing and Community Amendments of 1978, Pub. L. 95-557, 92 Stat. 2080, this rule has been granted waiver of Congressional review requirements in order to permit it to take effect on the date indicated.

Issued: February 27, 1979.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 79-8861 Filed 3-26-79; 8:45 am]

[4830-01-M]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7603]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DEC. 31, 1953

Political and Newsletter Fund Contributions

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document provides final regulations relating to tax incentives for contributions made by individuals to candidates for elective public office and to newsletter funds. Changes to the applicable law were made by the Revenue Act of 1971, the Act of January 3, 1975, and the Revenue Act of 1978. These regulations provide necessary guidance to individuals, campaign committees, and newsletter funds for compliance with the law.

EFFECTIVE DATE: Except as provided, these regulations apply to political contributions made in taxable years beginning after December 31, 1971, and newsletter fund contributions made in taxable years beginning after December 31, 1974.

FOR FURTHER INFORMATION CONTACT:

Robert A. Katcher of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224. Attention: CC:LR:T, 202-566-3432, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On September 19, 1972, the FEDERAL REGISTER published proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 41, 218, 642(a)(3) (since redesignated 642(a)(2)), and 642(i) of the Internal Revenue Code of 1954 (37 FR 19140). The amendments were proposed to conform the regulations to sections 701 through 703 of the Revenue Act of 1971 (85 Stat. 560). After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this Treasury decision.

1975 STATUTORY CHANGES

In 1975, Congress made three changes to sections 41 and 218. Act of January 3, 1975 (88 Stat. 2119). First, those sections were extended to provide for a credit or deduction for contributions to newsletter funds. Second, the maximum annual credit or deduction was increased. Third, the term "candidate" was amended to include an individual who publicly announces his or her candidacy before the end of the calendar year following the calendar year in which the contribution is made. The final regulations are consistent with those changes.

1978 STATUTORY CHANGES

In the Revenue Act of 1978, the Congress increased the maximum annual credit under section 41 and repealed section 218. These changes are effective for political and newsletter fund

contributions payment of which is made in taxable years of the contributor beginning after December 31, 1978.

PERMISSIBLE EXPENDITURES

A number of persons commented that the provision in the notice of proposed rulemaking that separated political contributions into "restricted" and "unrestricted" amounts was questionable both from a statutory and administrative viewpoint. They pointed out that, since the statute requires candidates to use political contributions to support their candidacy and since campaign committees must be organized and operated exclusively to support candidates, all amounts contributed to these persons should be used exclusively to support candidates. The final regulations adopt this position in § 1.41-1. They do provide retroactive relief in the interest of fairness, however, for those who acted in accordance with the proposed rule. § 1.41-7.

TIME OF QUALIFICATION

A number of commentators suggested that an individual who publicly announces for an elective public office meets the definition of "candidate" if he or she satisfies or can satisfy the statutory requirements for holding the office prior to actually taking office. The final regulations also adopt this position in § 1.41-1.

UNSPENT CONTRIBUTIONS

Consistent with one comment, the final regulations in § 1.41-3 adopt a more lenient position with respect to the use of unspent political contributions. Generally, these amounts must be contributed to certain organizations or must be spent to further the candidacy of any individual for any elective public office in a future election.

These rules implement the legislative policy behind the enactment of section 41, which was to encourage wider participation in election financing rather than to monitor the activities of political organizations. Since the enactment of sections 41 and 218 and the issuance of the notice of proposed rulemaking, Congress has enacted section 527, relating to the taxation of political organizations. The day-to-day operation of campaign committees is more appropriately dealt with under that section.

OTHER CHANGES

The final regulations in § 1.41-2(b) provide a specific rule with respect to contributions that are earmarked for a particular individual. In such a case, the taxpayer who makes the contribution is eligible for a credit or deduction only if the particular individual to whom it is earmarked is a candidate for the year in which the contribution is made.

In response to one comment, the final regulations in § 1.41-4 (c) make it clear that the election under section 41 is revocable. A taxpayer may revoke the election by filing an amended return.

The final regulations do not include rules for allowing a credit or deduction for the cost of tickets either to participate in a raffle or admission to a party held to raise funds for a candidate's campaign. For rules in this regard see Rev. Rul. 72-411, 1972-2 C.B. 5, Rev. Rul. 72-412, 1972-2 C.B. 5, and section 276.

The final regulations provide, generally, that where a campaign debt is incurred, an individual who was a candidate remains a candidate until the debt is paid.

Candidates and campaign committees no longer are required to use Forms 4908 and 4909. This change is consistent with the December 24, 1975 announcement of the elimination of those forms. The Service feels their limited usefulness did not justify the burdens they created.

The proposed regulations under sections 218, 642(a)(3) [redesignated 642(a)(2)] and 642(i), as well as the statutory provision portion of the proposed regulations under section 41, are withdrawn. This action is in conformity with the Administration's policy not to promulgate regulations that serve little or no useful purpose. Either the proposed regulations contained material obvious on the face of the statute, or their substance was incorporated into §§ 1.41-0 through -8. The final regulations do contain a new § 1.218-0 which basically incorporates by reference the new §§ 1.41-0 through -8. To avoid confusion, the present § 1.218, which contains a statutory provision that has been redesignated section 221, is being repealed.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

Accordingly, 26 CFR Part 1 is amended as follows:

PARAGRAPH 1. The following new sections are inserted in the appropriate place.

§ 1.41-0 Credit or deduction for political and newsletter fund contributions—scope and note.

Section 41 allows a limited credit against the income tax for political and newsletter fund contributions. Section 218 allows a limited deduction for contributions. The Revenue Act of 1978, however, increases the maximum annual credit under section 41 and repeals section 218. These changes are effective for political and newsletter fund contributions payment of which is made in taxable years of the contributor beginning after December 31, 1978. Section 1.41-1 through -8 apply to both sections 41 and 218.

§ 1.41-1 Same—definitions of certain items.

(a) *Campaign committee.* A "campaign committee" is any group described in section 41 (c) (1) (B). Thus, to be a campaign committee a group must be organized and operated exclusively to further the nomination or election of one or more candidates. That means it may not, except as otherwise provided in § 1.41-3(a), spend any money for any other purpose. Therefore, a group that engages in any general political, educational, or legislative activities is not a campaign committee. Such a group may, however, organize a separate campaign committee exclusively to further the nomination or election of one or more candidates.

(b) *Candidate.* A "candidate" is an individual described in section 41 (c)(2). A candidate remains a candidate until enough money has been raised to pay the debts incurred in a previous campaign for elective public office. For exmple, A, a candidate for Senator from State X in 1977, is elected to that office in 1978. A sustains a campaign debt with respect to A's Senatorial campaign. A remains a candidate solely for the purpose of soliciting contributions to extinguish the campaign debt.

(c) *Elective public office.* An "elective public office" is any governmental position for which one must be directly chosen by the casting of votes by the general public or the Electoral College. It does not, however, include any office or position in any national, state, or local political party or similar organization, or membership in the Electoral College.

(d) *Furthering a candidacy.* Expenditures further a candidacy within the meaning of section 41(c)(1) (A) and (B) if they are directly related to, and are intended to support, a candidate's campaign for elective public office. Examples include payments for—

(1) Researching and polling campaign issues;

(2) Trips in connection with campaigning by the candidate or persons acting on his or her behalf;

(3) Raising funds; and

(4) Campaign-related debts left over from a previous political campaign.

(e) *Meets the qualifications.* An individual "meets the qualifications prescribed by law" to hold an elective public office if the individual can be reasonably expected to meet those qualifications on or before the date the office is to be filled.

(f) *Newsletter fund contribution.* The term "newsletter fund contribution" means a contribution of money

or gift of money directly to a fund described in section 527(g) (relating to the treatment of newsletter funds as political organizations).

(g) *Political contribution.* A "political contribution" is a contribution of money or gift of money directly to a person described in section 41(c)(1). A political contribution is not limited to that portion of the contribution or gift that is eligible as a credit under section 41(b) or deduction under section 218(b).

(h) *Publicly announces.* An individual "publicly announces" that he or she is a candidate by making a positive statement available for media distribution that he or she is seeking nomination or election to a specific elective public office. An example is a news release or other statement by an individual intended for distribution via television, radio, newspapers, or magazines within the geographic area associated with the elective public office being sought which states that he or she seeks nomination or election to the office. Incumbency in an office does not constitute a public announcement that one is seeking reelection to that office. Furthermore, if because of death or any other reason an individual does not make a public announcement, the individual is not a candidate even though the individual was about to make a public announcement.

§ 1.41-2 Same—limitations and special rules.

(a) *When payment must be made.* A taxpayer may elect the credit under section 41 or the deduction under section 218 only if a political or newsletter fund contribution is actually paid within the taxable year for which the taxpayer claims the credit or deduction. The method of accounting the taxpayer uses and the date the contribution is pledged are irrelevant. Where a partnership makes a political or newsletter fund contribution, each partner is considered as having paid his or her distributive share of the political or newsletter fund contribution.

(b) *Campaign committee supporting more than one individual.* A section 41 credit or section 218 deduction may be available for a contribution of money to a campaign committee that supports, or intends to support, more than one candidate if at least one individual it supports is a candidate for the calendar year in which the contribution is made. However, if a taxpayer indicates at the time the contribution is made that it is for a specific individual, and that individual is not a candidate for the calendar year in which the contribution is made, no credit or deduction is available.

(c) *Examples.* The provisions of this section are illustrated by the following examples:

Example (1). B, an individual, makes a contribution of money in 1977 to the Good Government Committee, which is a campaign committee. The Good Government Committee supports C and D in 1977. C is a candidate for 1977. D is not a candidate for 1977. B may elect the credit under section 41 or deduction under section 218 for the contribution in 1977.

Example (2). Assume the same facts as in example (1), except that B earmarks the contribution solely to further the candidacy of D. B may not elect the credit under section 41 or deduction under section 218 for the 1977 contribution.

§ 1.41-3 Same—unspent contributions.

(a) *General rule.* Except as provided in paragraph (b) of this section, all unspent political contributions must be used within a reasonable period of time to make a deposit or contribution described in section 527 (d).

(b) *Special rules—(1) Candidates.* An individual who was a candidate may retain unspent political contributions in reasonable anticipation of using them solely to support his or her future candidacy for any Federal, State, or local elective public office.

(2) *Campaign committee.* A campaign committee may retain unspent political contributions in reasonable anticipation of using them to support the future candidacy of any individual for any Federal, State, or local elective public office.

§ 1.41-4 Same—procedure for electing a credit or deduction.

(a) *Scope note.* This section prescribes procedures for making the election under sections 41 and 218 to take either a credit or deduction for political and newsletter contributions.

(b) *How to elect.* A taxpayer elects the credit or deduction by making the appropriate entries on his or her income tax return for the taxable year in which the contribution is made.

(c) *Changing or revoking one's election.* The election may be changed or revoked. Thus, a taxpayer may change an election from credit to deduction or vice versa. In addition, if a taxpayer elects a credit or deduction for a particular taxable year to which, it later turns out, he or she is not entitled, the taxpayer must pay any additional tax that is due as a result. A taxpayer may change or revoke the election by use of an amended return.

§ 1.41-5 Same—verifications.

This section prescribes rules under sections 41(b)(3) and 218(b)(2) to tell a taxpayer how to verify political and newsletter fund contributions for which a credit or deduction is claimed. A taxpayer must have a written receipt to substantiate any claim that a contribution was made. A cancelled check, the payee of which is a person or fund described in section 41(c) (1) or (5), ordinarily meets this requirement. However, in appropriate cases, the Internal Revenue Service may require a taxpayer to furnish additional proof that the payee was a person or fund described in section 41(c) (1) or (5), or that the purpose of the payment was to make a political or newsletter fund contribution.

§ 1.41-6 Same—taxation of certain organizations.

See section 527 and the regulations thereunder for the tax treatment of a person or fund described in section 41(c) (1) or (5) that is treated as a section 527(e)(1) political organization.

§ 1.41-7 Same—transitional rule for past contributions.

A credit or deduction for a political contribution the payment of which was made before January 1, 1980 will be allowed if it meets the requirements for a credit or deduction under the notice of proposed rulemaking published on September 19, 1972 (37 FR 19140).

§ 1.41-8 Same—effective dates.

(a) *Political contributions.* Except as otherwise provided, these regulations apply to political contributions made in taxable years of the contributor beginning after December 31, 1971.

(b) *Newsletter fund contributions.* These regulations apply to newsletter fund contributions made in taxable years of the contributor beginning after December 31, 1974.

PAR. 2. Section 1.218 is repealed and new § 1.218-0 is inserted in the appropriate place.

§ 1.218-0 Deduction for political and newsletter fund contributions.

See §§ 1.41-0 through -8 for regulations that apply to section 218.

(Secs. 41 (b) (3), 218 (b) (2) and (c), and 7805 of the Internal Revenue Code of 1954 (26 U.S.C. 41 (b) (3), 218 (b) (2), (c), 7805).)

JEROME KURTZ,
Commissioner of Internal Revenue.

Approved: February 28, 1979.

DONALD C. LUBICK,
Assistant Secretary of the Treasury.

[FR Doc. 79-9189 Filed 3-26-79; 8:45 am]

[4810-28-M]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES; DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Administrative Ruling No. 79-1; Implementation Guidelines

AGENCY: Office of Revenue Sharing, Department of the Treasury.

ACTION: Administrative Ruling.

SUMMARY: The purpose of this Administrative Ruling is to provide additional guidance with respect to the interpretation of § 51.0(b) of the Revenue Sharing regulations which pertains to the applicability to administrative complaints of the amendments made to the Revenue Sharing Act by Pub. L. 94-488, and the regulations published thereunder.

EFFECTIVE DATE: Immediately March 27, 1979.

ADDRESS: Comments may be sent to: Chief Counsel, Office of Revenue Sharing (Symbol CC), Department of the Treasury, Washington, D.C. 20226.

FOR FURTHER INFORMATION CONTACT:

Herman Schwartz, Chief Counsel, Office of Revenue Sharing, (202) 634-5184.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Recently some questions have arisen as to the applicability of the 1976 Amendments to the State and Local Fiscal Assistance Act to violations of the antidiscrimination provisions of the Act that occurred prior to the effective date of the Amendments (January 1, 1977). This Guideline is being published to acquaint complainants, recipient governments, and other interested persons with the Office of Revenue Sharing practice and policy.

On October 10, 1976, the State and Local Fiscal Assistance Amendments of 1976 (Pub. L. 94-488) were enacted. These Amendments extended the State and Local Fiscal Assistance Act of 1972, 31 U.S.C. 1221 *et seq.*, and substantially revised several aspects of the General Revenue Sharing Program, including the uses of funds, nondiscrimination procedures and protected classes, public participation and fiscal procedures and auditing.

On March 4, 1977, the Office issued a Technical Memorandum for enforcement of the Amendments, which provided that all complaints filed after January 1, 1977, would be governed by the new procedures and other aspects of such Amendments. Thereafter, on April 6, 1977, interim regulations to implement the Amendments were published, including § 51.0(b).

In pertinent part, that section provided that:

> Any cause of action arising out of the expenditure of entitlement payments in violation of the prohibitions and restrictions in Subparts D, E, and F of this part prior to January 1, 1977, shall be covered by regulations in effect December 31, 1976, and any proceedings commenced thereon shall be governed by the procedures set forth in Subpart G of this part.

To implement that interim regulation, the Technical Memorandum was amended by the issuance of Technical Memorandum No. 77-1 (Amendment #1) (June 8, 1977), modifying the Office's policy for processing civil rights administrative complaints received prior to January 1, 1977, to conform to interim regulation § 51.0(b). The amended Technical Memorandum provided that complaints received on or after January 1, 1977, which relate to violations that began prior to and continued past January 1, 1977, or which relate to a pattern or practice of discrimination continuing past January 1, 1977, would be administered in accordance with the amendments made by Pub. L. 94-488, and the regulations published thereunder. This was consistent with well-established legal principles set forth in such cases as *Bradley v. City of Richmond*, 416 U.S. 696 (1974), and *The Schooner Peggy*, 1 Cranch 103 (1801).

The Technical Memorandum further provided that administrative complaints received on or after Janaury 1, 1977, which related solely to a violation that occurred in its entirety prior to January 1, 1977, would be administered in accordance with the provisions of the Revenue Sharing Act in effect prior to the Amendments of Pub. L. 94-488.

On September 22, 1977, § 51.0(b) was published in final form after due notice and opportunity to comment, identical in language to interim regulation § 51.0(b).

AUTHORITY

This Administrative Ruling is issued under the authority of the State and Local Fiscal Assistance Act of 1972, as amended by Pub. L. 94-488, and Treasury Department Order No. 224 (January 26, 1973) (38 FR 3342) as amended by Treasury Department Order No. 242 (Revision No. 1 May 17, 1977).

Dated: March 19, 1979.

BERNADINE DENNING,
Director,
Office of Revenue Sharing.

ADMINISTRATIVE RULING 79-1

GUIDELINES FOR IMPLEMENTING 31 CFR 51.0(B)

For the purpose of implementing 31 CFR 51.0(b), the following guidelines shall be used.

1. A cause of action shall be considered to arise out of the expenditure of revenue sharing funds in violation of the provisions of Subparts D, E, and F of the regulations in effect prior to January 1, 1977, if: (A) The administrative complaint with respect to such cause of action was filed with the Office of Revenue Sharing prior to January 1, 1977; or (B) the alleged violation ended prior to that date. In this circumstance, the regulations in effect on December 31, 1976, are applicable to such cause of action.

Example: An administrative complaint is received prior to January 1, 1977, alleging that a recipient government has denied a person a job promotion because of sex discrimination. The regulations in effect on December 31, 1976, would apply to this case.

2. A cause of action shall be considered to arise out of the expenditure of revenue sharing funds in violation of the provision of Subparts D, E, and F of the regulations subsequent to January 1, 1977, if: (A) The administrative complaint was filed with the Office of Revenue Sharing on or after January 1, 1977; and (B) the violation either began after that date or began before January 1, 1977, and continued subsequent thereto. In this circumstance, the provisions of the 1976 Amendments to the Revenue Sharing Act and the regulations published thereunder, are applicable to such cause of action.

Example: An administrative complaint is received after January 1, 1977, alleging that a recipient government is engaging in a pattern or practice of denying women promotions because of sex discrimination, that such discrimination began prior to January 1, 1977, and that it continues until the present. This case is governed by Pub. L. 94-488 and the regulations published thereunder. Any proceedings commenced thereon shall be governed by the procedures set forth in subpart E of the revenue sharing regulations. Note: If the complaint had alleged that the discrimination had occurred prior to January 1, 1977, and had not continued subsequent thereto or if the complaint was filed before January 1, 1977, Pub. L. 94-488 would not apply to this case.

As noted in the preamble, § 51.0(b) has consistently been interpreted by the Office of Revenue Sharing in accordance with the above guidelines and examples. Section 51.0(b) was first published in interim form (42 FR 18364, April 6, 1977) in language identical to the present § 51.0(b). That lan-

guage was construed in the above-described manner by the Office of Revenue Sharing Technical Memorandum 77-1 (Amendment #1) (June 8, 1977), which was adopted and published to implement interim regulation § 51.0(b). Both § 51.0(b) and TM 77-1 remain in effect to date, and have been consistently construed in this manner.

[FR Doc. 79-9210 Filed 3-26-79; 8:45 am]

[6560-01-M]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 1081-7; OPP-250014]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Subpart A—Registration, Reregistration and Classification Procedures

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notification to the Secretary of Agriculture of Final Regulation relating to the granting of authority to States to issue experimental use permits for pesticides.

SUMMARY: Notice is hereby given as required by Section 25 (a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136) that the Administrator of the Environmental Protection Agency (EPA) has forwarded to the Secretary of the U.S. Department of Agriculture, a copy of EPA's final regulation disigned to implement Section 5(f) of FIFRA, which authorizes States to issue experimental use permits for pesticides.

FOR FURTHER INFORMATION CONTACT:

Mr. Phil Gray, Operations Division (TS-770), Office of pesticide Programs, EPA, Rm. E-509, Washington, D.C. 20460. (202/755-7014).

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA provides that the Administrator shall provide the Secretary of Agriculture a copy of any final regulation at least 30 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response thereto of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign the regulation for publication in the FEDERAL REGISTER any time after such 15 day period.

Pursuant to FIFRA Section 25(a)(3) a copy of this final regulation has also been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The Section 5(f) regulation was also submitted to the FIFRA Scientific Advisory Panel on January 4, 1979, as required by Section 25(d), together with a request that the Scientific Advisory Panel waive review on the grounds that the regulation will not significantly impact either public health or the environment. The waiver of review was granted on January 29, 1979.

Dated: March 19, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-9118 Filed 3-26-79; 8:45 am]

[6560-01-M]

[FRL 1081-5; OPP-250012]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Subpart A—Registration, Reregistration and Classification Procedures

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notification to Secretary of Agriculture of Interim Final Regulation relating to conditional registration.

SUMMARY: Notice is given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, that the Administrator, EPA, has forwarded to the Secretary of the U.S. Department of Agriculture a copy of EPA's interim final regulation designed to permit conditional registration of pesticide products under section 3(c)(7) of FIFRA.

FOR FURTHER INFORMATION CONTACT:

Douglas Campt, Registration Division (TS-767), Office of Pesticide Programs, EPA, Room E-347, 401 M Street, S.W., Washington, D.C. 20460, telephone 202/426-2452.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA states that the Administrator shall provide the Secretary of Agriculture a copy of any final regulation at least 30 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the final regulation) the comments of the Secretary, if requested, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulations, the Administrator may sign such regulation for publication in the FEDERAL REGISTER any time after the 15-day period.

Pursuant to FIFRA section 25(a)(3), a copy of this interim final regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The interim final regulation has also been submitted to the FIFRA Scientific Advisory Panel, as required by section 25(d).

(Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: March 19, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-9119 Filed 3-26-79; 8:45 am]

[6560-01-M]

[FRL 1082-2; OPP-250015]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

Subpart A—Registration, Reregistration and Classification Procedures

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Notification to Secretary of Agriculture of Final Regulation relating to compensation for use of data in support of applications for registration.

SUMMARY: Notice is given as required by section 25(a)(2)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, that the Administrator, EPA, has forwarded to the Secretary of the U.S.

Department of Agriculture a copy of EPA's final regulation designed to implement the data compensation provisions of section 3(c)(1)(D) of FIFRA.

FOR FURTHER INFORMATION CONTACT:

Edward Gray, Office of General Counsel (A-132), EPA, Room W-425, 401 M Street, S.W., Washington, D.C. 20460, telephone 202/755-0638.

SUPPLEMENTARY INFORMATION: Section 25(a)(2)(B) of FIFRA states that the Administrator shall provide the Secretary of Agriculture a copy of any final regulation at least 30 days prior to signing it for publication in the FEDERAL REGISTER. If the Secretary comments in writing regarding the final regulation within 15 days after receiving it, the Administrator shall publish in the FEDERAL REGISTER (with the final regulation) the comments of the Secretary, if requested, and the response of the Administrator. If the Secretary does not comment in writing within 15 days after receiving the final regulation, the Administrator may sign such regulation for publication in the FEDERAL REGISTER any time after the 15-day period.

Pursuant to FIFRA Section 25(a)(3), a copy of this final regulation has been forwarded to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate. The final regulation has also been submitted to the FIFRA Scientific Advisory Panel, as required by Section 25(d).

(Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).)

Dated: March 20, 1979.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-9120 Filed 3-26-79; 8:45 am]

[6712-01-M]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 21318; RM-2638; RM-2773; RM-2777; FCC 79-160]

PART 95—PERSONAL RADIO SERVICE

Amendment of Citizens Band Rule 18

AGENCY: Federal Communications Commission.

ACTION: Memorandum Opinion and Order (final rulemaking).

SUMMARY: The Commission is amending the Citizens Band radio rules to warn licensees of the danger of installing antenna systems near powerlines. The change was in response to a Consumer Product Safety Commission petiton.

EFFECTIVE DATE: April 30, 1979.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Roger Holberg, Private Radio Bureau (202-632-7597).

SUPPLEMENTARY INFORMATION:

MEMORANDUM OPINION AND ORDER

Adopted: March 15, 1979.
Released: March 22, 1979.
By the Commission:

In the matter of Revision of Subpart D of Part 95 of the Commission's Rules, Citizens Band Radio Service [43 FR 13976].

1. The Commission has before it a Petition for Reconsideration of the action it took in Docket 21318 on March 15, 1978. This petition was filed on May 3, 1978, by Michael A. Brown, Executive Director of the U.S. Consumer Product Safety Commission (CPSC). While this petition was filed pursuant to § 1.106 of the Commission's Rules, it is being considered under § 1.429 which governs petitions for reconsideration filed in notice and comment rule making proceedings.

BACKGROUND

2. On June 30, 1977, the Commission released a Notice of Proposed Rule Making proposing the revision of its rules pertaining to the Citizens Band Radio Service. These rules were contained in subpart D of Part 95 of the Commission's Rules (47 CFR 95.401 *et. seq.*). The purpose of this revision was to make the rules more understandable. It was thought that operators would be better able to comply with the rules if they were written in "plain English."

3. The public was invited to comment upon this proposal and was given until October 3, 1977, to file such comments. As a result of the high level of public interest shown in this proceeding, that date was later extended to November 17, 1977. Among those filing comments was the CPSC.[1]

4. On March 15, 1978, after having reviewed all of the material before it, including some 600 comments, the Commission adopted new rules for the Citizens Band Radio Service. The Report and Order in the proceeding was released on March 22, 1978. The effective date of the new rules was August 1, 1978.

5. Among the new rules adopted was CB Rule 18. That rule extended the height to which a directional antenna may extend from 20 feet above the ground under the prior rule (Section 95.437) to 18.3 meters (60 feet) above the ground. Omni-directional antennas had been permitted to reach that height under the previous rule and remain so under the new Citizens Band Rules.

THE PETITION

6. There are two general grounds for reconsideration asserted in the CPSC Petition. The first is that the CPSC believes the Commission misinterpreted the data provided by the CPSC in its documents filed on December 16, 1977. The second is that data which was not available to the CPSC when it filed its comments also demonstrates a relationship between CB antenna heights and power line contact accidents. That data was contained in a report entitled "Feasibility Study for a Citizens Band Base Station Antenna Safety Standard" dated April 10, 1978. The report was prepared for the CPSC Directorate for Engineering and Science, Electrical and Electronic Engineering Division, by Systems Consultants, Inc. Two alternative forms of relief were requested by the CPSC. The first relief requested was that the Commission retain the different permissible antenna heights for directional and omni-directional antennas as they existed under the prior Rules and include a hazard warning in CB Rule 18. Alternatively, the CPSC requested that the Commission make the decision concerning the change in antenna height the subject of a separate rulemaking proceeding; stay the effective date of CB Rule 18 until the CPSC has either issued a safety standard to protect against electric shock hazards connected with Citizens Band antennas or determined that such a standard is not feasible; and permit the erection of directional antennas over 30 feet in height only if the antenna is located a reasonable distance from power lines. The CPSC suggested that this distance be twice the antenna height.

7. In support of its first ground for reconsideration, the CPSC states that the data provided in its comments shows that 95% of electric shock accidents relating to antennas involved those in excess of 20 feet in height. While conceding that its data did not demonstrate that there was an increase in fatalities from 1973 to 1974 (when the allowable height for omni-directional antennas was raised to 60

[1] Although the CPSC's comments were filed after the expiration of the October 3, 1977 filing deadline, the Commission waived Section 1.415 of its Rules and considered those comments in making its determination.

feet) the CPSC is of the belief that the increase in reported electric shock accidents relating to antennas between 1974 and 1976 is "vastly in excess of that which could be expected from the increase in the number of licenses." The CPSC further points out that at least 120 people are killed annually by electrocutions involving communications antennas. Finally, the CPSC states that their analysis shows that many of the victims attempt to erect or dismantle unwieldy antennas that "are too long and thus contact power lines due to misjudgement or inability to control the antenna."

8. The second general ground urged upon the Commission is that data which was unavailable to the CPSC prior to the adoption of the new Citizens Band Rules contains information more clearly demonstrating a relationship between antenna height and power line contact accidents. The CPSC states that the data, which is contained in the report named above, indicates that a 50% increase in mast length will increase the risk of an accident by 50% or more. The report, continued the CPSC, states that a 50% increase in antenna height above the current mathematical mean antenna height of antennas involved in accidents which have been analyzed would result in a mean antenna and mast height of 57.39 feet. As this is less than the 60 foot maximum permitted by CB Rule 18, CPSC contends that the extension of height permitted to directional antennas by the new rules will result in a 50% increase in the risk of accident.

9. The petition further states that directional antennas are more unwieldy than omni-directional antennas, which were involved in all but 4 of the accidents analyzed for the report, and therefore can be considered an even greater accident risk. Finally, the CPSC Petition states that common sense indicates that the expansion of the authority to raise directional antenna heights to 60 feet will result in people taking advantage of this new authority to install a new antenna or to raise their existing antenna to the new limit.

Discussion

10. The first ground for reconsideration set forth by the CPSC in its petition was based upon data and arguments contained in their comments filed December 16, 1977. Their position was taken into consideration by the Commission and was fully discussed in Appendix II of the Report and Order released March 22, 1978. Reconsideration will not be granted "merely for the purpose of again debating matters on which [the Commission] has once deliberated and spoken." [1] It remains our belief that the data provided by the CPSC in their comments and repeated in their petition is inconclusive and incomplete. First, the height of the antennas involved in the vast majority of instances of electrocution resulting from antenna installation or removal was unknown.[2] Second, the data does not demonstrate an increase in the number of accidents from 1973 to 1974, when the permissible height for omni-directional antennas was increased. Additionally, CPSC's chart which shows the distribution, in percentage, of electric shock accidents by antenna heights involved does not clearly show a relationship between antenna height and risk of accident. As there is no data demonstrating the proportional distribution of antennas in use by height, it cannot be known whether the distribution of accidents reflects anything more than the distribution of antenna heights. For instance, if 18% of Citizens Band base station antenna heights are between 20 and 30 feet, one could expect that antennas of that height would be involved in 18% of all electric shock involving CB base station antennas and no valid conclusion could be drawn on the effect of height upon risk of accident.

11. However, the CPSC has also presented additional data which apparently was not available to the petitioner until after its last opportunity to present facts to the Commission in this proceeding. Accordingly, it is appropriate for the Commission to consider this new data (Section 1.429(b)(2) of the Commission's Rules).

12. The CPSC is correct that the "Feasibility Study for a Citizens Band Base Station Antenna Safety Standard" contains information that tends to demonstrate a relationship between antenna height and power line contact accidents. While factors in addition to antenna height surely play a role in such accidents, the Commission does acknowledge there are dangers involved in the installation and removal of Citizens Band radio antennas. Furthermore, it appears that the installation or removal of antennas of greater height can amplify those dangers.

13. We note, however, that the CPSC has adopted certain rules with regard to warning and instruction requirements for CB base station antennas, TV antennas, and supporting structures (see Federal Register, Vol. 43, No. 126—Thursday, June 29, 1978). The rule which was adopted (Section 1402 of Subchapter B of Title 16, Chapter II, of the Code of Federal Regulations) requires highly visible tri-color labels on CB base station antennas warning installers to watch for electrical wires. The labels are required to state:

"You can be *KILLED* if this antenna comes near electric power lines. *READ INSTRUCTIONS*" [Emphasis in original].

This rule requires the label to be affixed by the manufacturer in a place which will be conspicuous to the installer during installation. The rule also requires the first page of the document containing installation instructions, the beginning of the instructions themselves and the packaging or the parts container of any CB base station antenna to carry the following:

"WARNING: INSTALLATION OF THIS PRODUCT NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS."

The directions are also required by the rule to explain the risk of electrocution caused by contacting power lines while putting up or taking down the supporting structure, as well as to provide instructions on selecting and measuring the installation site and an explanation of methods that can be used to reduce the possibility of contact with power lines when installing or removing the supporting structure.

14. In adopting this rule, the CPSC stated that, "If consumers are informed of the severe hazard that they face and are given the information on how to avoid it, the (Consumer Product Safety) Commission believes that they will take the necessary steps to protect their own lives." We agree with this statement. We acknowledge that the installation or removal of a Citizens Band base station antenna can present hazards. We believe that these hazards can best be dealt with by warnings given to the consumer who, thus warned, will hopefully take those "necessary steps to protect their own lives." While the warnings required by Section 1402 have the best chance of being seen by the consumer when planning or conducting installation or removal of a base station and antenna, and will thereby most profoundly influence the taking of precautions to avoid harm, we also believe that amending CB Rule 18 to include a similar warning will serve a useful purpose and would be in the public interest. A warning contained in the CB Rules may be seen by licensees prior to the purchase of an antenna and can influence their choice of antenna and the planning for its installation. Accordingly, CB Rule 18 is being amended to include the following:

"WARNING: INSTALLATION AND REMOVAL OF CITIZENS BAND BASE STATION ANTENNAS NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIREC-

[1] *WWIZ, Inc.*, 37 FCC 685 (1964), *affirmed sub nom, Lorain Journal Company v. FCC*, 122 U.S. App. D.C. 127, 351 F. 2d 824 (1965), *cert. denied*, 383 U.S. 967 (1966); *In Re Cable TV Co.*, 33 FCC 2d 787 (Rev. Bd., 1972).

[2] Of a total of some 498 accidents shown in the chart as having come to the attention of the CPSC, the height of the antenna was known in only 71 instances.

TIONS INCLUDED WITH YOUR ANTENNA."

15. We agree that the information provided by the CPSC in its petition tends to indicate an increased possibility of accident with greater antenna heights. However, we do believe that with consumer awareness of the hazards and information on methods to avoid power line contact, the risk of harm could be substantially reduced. Certainly there are recognizable benefits which will be brought about by the increase in the permissible height for directional antennas. For instance, allowing directional antennas to reach the permissible height can reduce channel congestion by directing signals in the desired direction and attenuating them in other directions. Furthermore, permitting both directional and omni-directional antennas to attain a maximum height of 60 feet will improve Citizens Band licensees' ability to communicate and will permit the more efficient use of that portion of the radio frequency spectrum assigned to the Citizens Band Radio Service. We believe that consumers warned of the hazards of installing and removing CB base station antennas will take the necessary steps to protect their own lives. Thus, we do not feel that CB Rule 18 should be amended to reduce the height permitted to directional Antennas. Inasmuch as all relevant issues are resolved herein, a separate rulemaking proceeding would be unnecessary.

16. Accordingly, pursuant to authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, and pursuant to Section 1.429 of the Commission's Rules, IT IS ORDERED that the Petition for Reconsideration of the Commission's action in Docket 21318 submitted by Michael A. Brown, Executive Director of the U.S. Consumer Product Safety Commission, IS GRANTED to the extent of amending CB Rule 18 to include a hazard warning (See Appendix) and the remainder of that petition IS DENIED. IT IS FURTHER ORDERED that, effective April 30, 1979, Part 95 of the Commission's Rules IS AMENDED as set out in the Appendix. IT IS FURTHER ORDERED that, as CB Rule 18 became effective on August 1, 1978, CPSC's request for a stay of the effective date IS DISMISSED as moot. For further information contact John Borkowski, Telephone No. (202) 632-7597.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.).

FEDERAL COMMUNICATIONS COMMISSION,

WILLIAM J. TRICARICO,
Secretary.

APPENDIX

Subpart D of Part 95 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

§ 95.401 [Amended]

In § 95.401, Citizens Band Rule 18, following paragraph (a)(2) shall appear in bold capital letters and outlined in black:

> WARNING: INSTALLATION AND REMOVAL OF CITIZENS BAND BASE STATION ANTENNAS NEAR POWERLINES IS DANGEROUS. FOR YOUR SAFETY, FOLLOW THE INSTALLATION DIRECTIONS INCLUDED WITH YOUR ANTENNA.

[FR Doc. 79-9142 Filed 3-26-79; 8:45 am]

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Decision; Service Order No. 1368]

PART 1033—CAR SERVICE

INDIANA EASTERN RAILROAD AND TRANSPORTATION, INC. D/B/A THE HOOSIER CONNECTION AUTHORIZED TO OPERATE OVER TRACKS LEASED FROM THE PENN CENTRAL CORP.

MARCH 22, 1979.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order. Service Order No. 1368.

SUMMARY: Indiana Eastern Railroad and Transportation, Inc. d/b/a The Hoosier Connection has leased two sections of track from the Penn Central Corporation. Indiana Eastern will operate the line between Emporia, Indiana, and Carthage, Indiana, and between Shirley, Indiana, and Wilkinson, Indiana. Indiana Eastern will file an application for permanent operating authority over this line.

DATES: Effective 12:01 a.m., March 23, 1979. Expires when modified or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone (202) 275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION:

Operation of the line of the former Penn Central Transportation Company over the Anderson-Greensburg Secondary Track between Emporia, Indiana, and Carthage, Indiana, and over the Springfield Branch between Shirley, Indiana, and Wilkinson, Indiana, was discontinued on April 1, 1976, in accordance with the Final System Plan of Reorganization of the bankrupt eastern railroads authorized by the Regional Rail Reorganization Act of 1973. Consolidated Rail Corporation operated this line as a designated operator from April, 1976, until about July 1, 1977.

A newly formed company, the Indiana Eastern Railroad and Transportation, Inc., has been organized for the purposes of operating various portions of the line and is prepared to offer railroad service to those shippers on this line. There is an interchange connection between this line and Consolidated Rail Corporation at Emporia, Indiana. Indiana Eastern has effected a lease agreement with The Penn Central Corporation to allow operation of this line by Indiana Eastern Railroad and Transportation, Inc.

It is the opinion of the Commission that an emergency exists requiring immediate resumption of operations over this line in the interest of the public; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, that:

§ 1033.1368 Service Order No. 1368.

(a) *Indiana Eastern Railroad and Transportation, Inc. d/b/a the Hoosier Connection Authorized to Operate Over Tracks Leased From the Penn Central Corporation.* The Indiana Eastern Railroad and Transportation, Inc. d/b/a The Hoosier Connection (HOSC) is authorized to operate over tracks leased from The Penn Central Corporation between milepost 173.95 at Emporia, Indiana, and milepost 193.50 at Carthage, Indiana, a distance of approximately 19.55 miles, and between milepost 107.3 at Shirley, Indiana, and milepost 109.0 at Wilkinson, Indiana, a distance of approximately 1.7 miles, pending disposition of the application seeking permanent authority to operate over these tracks.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(c) Nothing herein shall be considered as a prejudgement of the application of HOSC seeking authority to operate over these tracks.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 23, 1979.

(e) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commisson.

(49 U.S.C. (10304-10305 and 11121-11126).)

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-9257 Filed 3-26-79; 8:45 am]

[7035-01-M]

[Ex Parte No. 346 (Sub-No. 1)]

PART 1039—RAILROAD CONTRACT RATES; POLICY STATEMENT

Rail General Exemption Authority—Fresh Fruits and Vegetables

AGENCY: Interstate Commerce Commission.

ACTION: Exemption and final rule.

SUMMARY: This regulation exempts the rail transportation of fresh fruits and vegetables from the provisions of Subtitle IV of Title 49, except for certain informational reporting and accounting requirements. This action is taken pursuant to 49 U.S.C. § 10505.

EFFECTIVE DATE: March 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Office of Proceedings/Section of Rates, Washington, D.C. 20423. (202) 275-7693 or 275-7656.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a Notice of Proposed Exemption, published in the FEDERAL REGISTER on December 13, 1978 (43 FR 58205), under the authority of 49 U.S.C. § 10505. Its purpose is to consider an exemption for the rail transportation of fresh fruits and vegetables from the provisions of Subtitle IV of Title 49, with the following exceptions. Under the proposed exemption, the railroads would be required to: comply with the Commission's accounting and reporting requirements; include a brief statement in their annual reports of operations under the exemption; and file rate quotations on a regular basis. The commodities proposed to be exempted were:

STCC #01 2 Fresh Fruits or Tree Nuts and STCC #01 3 Fresh Vegetables.

The two basic issues raised by the parties submitting comments are the commodities to be included under the exemption and the statutory provisions which should or should not apply.

With certain modifications, this exemption is adopted as proposed. Instead of filing rate quotations on a regular basis as proposed in the prior notice, the railroads are required to maintain copies of rates, charges, rules, or regulations, for traffic moved under the exemption, at their principal office, subject to inspection, and send a letter of notification to the docket [Ex Parte No. 346 (Sub-No. 1)], within 30 days, of the fact that they are using the exemption. The record maintenance requirement will remain in effect for a period of one year, to be extended if necessary. In addition, the following commodities (which are not included under the motor carrier exemption) will be considered in a separate proceeding and are deleted from this exemption:

STCC #01 232 Bananas.
STCC #01 294 Cocoa beans.
STCC #01 295 Coffee, green.

Complete copies of the decision in this proceeding can be obtained from the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Accordingly, Chapter X of Title 49 of the Code of Federal Regulations is amended by adding a new section, as follows;

§ 1039.10 Fresh Fruit and Vegetable Exemption.

The rail transportation of the commodities listed below are exempt from the provisions of Subtitle IV of Title 49, except that carriers must continue to comply with Commission accounting and reporting requirements, including a brief statement in their annual reports of operations under this exemption and must maintain copies, rates, charges, rules, or regulations, for traffic moved under this exemption, at their principal office, subject to inspection, and send a letter of notification to the docket [Ex Parte No. 346 (Sub-No. 1)], within 30 days, of the fact that they are using the exemption. The record maintenance requirement will remain in effect for a period of one year, to be extended if necessary. All tariffs pertaining to the transportation of fresh fruits and vegetables will no longer apply to the commodities listed below except to the extent adopted by carrier quotations. The categories of commodities which are exempt under this decision, by Standard Transportation Commodity Code (STCC) number, are:

01 2: Fresh Fruits or Tree Nuts except; 01 232: Bananas; 01 294: Cocoa beans; 01 295: Coffee, green; and 01 3: Fresh Vegetables.

and shall embrace all articles assigned additional digits. The STCC shall be those code numbers in effect as of January 1, 1979, as shown in Standard Transportation Commodity Code Tariff 1-G, ICC STCC 6001-C. Nothing in this exemption shall be construed to affect our jurisdiction under section 10505 or our ability to enforce this decision or any subsequent decision made under authority of this exemption section. This exemption shall remain in effect, unless modified or revoked by a subsequent order of this Commission.

This rule is issued under the authority of sections 553 and 559 of the Administrative Procedure Act (5 U.S.C. 553 and 559) and sections 10321(a) and 10505 of Title 49 (49 U.S.C. § 10505).

Decided: March 21, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Stafford concurring. Commissioner Clapp concurring in part and dissenting in part.

H. G. HOMME, JR.,
Secretary.

COMMISSIONER STAFFORD, concurring:

I support fully the result reached in today's historic decision. Deregulation of any segment of the industry should be complete, as we have done here, rather than piecemeal, as we seem to be doing elsewhere. In my view, regulation must be comprehensive or it ought not exist.

I was intrigued, therefore, by the comments of various parties who favored deregulation, except where they seemed to feel the most vulnerable. One smaller western railroad, for example, supported deregulation in its dealings with shippers, but urged us to retain jurisdiction over its dealings with other (and presumably larger) railroads. Another railroad (one that supplies refrigerator cars) supported the exemption, but urged us to retain jurisdiction over contracts for protective service. Another railroad supports the exemption, but wants to retain antitrust immunity for its rate bureau activities and to maintain merger protective conditions.

Shippers also supported the exemption but urged retention of jurisdiction over sections of the act of interest to them. Some wanted retention of the Carmack Amend-

ment, which requires a bill of lading of every shipment. Another shipper wants us to retain authority over claims and reasonable dispatch. The list could go on.

I look forward to the results of this experiment. I will be particularly interested in the experience of shippers regarding rate levels, discrimination, and car service, and in the experience of railroads regarding interchange arrangements and rate negotiations.

Our action today must be carefully monitored to assure that the experiment is truly in the best interest of the public. Hopefully, it will serve as a model for future action by this Commission.

COMMISSIONER CLAPP, concurring in part and dissenting in part:

While I believe that our action here is both important and necessary, in my opinion we should require that carriers submit evidence of their rate experience to the Commission, at least upon request. This requirement does not appear to be burdensome, and is more efficient than sending our field staff around the country to view these documents.

[FR Doc. 79-9258 Filed 3-26-79; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6750-01-M]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[File No. 782 3008]

INTERNATIONAL INVENTORS INC., EAST, ET AL.

Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require an Alexandria, Va. idea promotion firm and its principal officer to cease failing to provide fair and thorough evaluations as to the commercial feasibility of customers' ideas; and misrepresenting that they sucessfully promote and negotiate with interested manufacturers on client's behalf; that they secure lucrative contracts for clients through such efforts; and that the Document Disclosure Program of the United States Patent and Trademark Office protects clients' ideas prior to the filing of a formal patent application. The order would require that prescribed disclosures regarding the financial success of previous clients, the lack of legal protection for ideas, and the advisability of consulting with a patent attorney before signing an agreement be included in contracts and promotional material; and would prohibit the company from accepting any fees for promotional services, other than a percentage of royalties earned through its endeavors. Additionally, the firm would be required to maintain particular records for a specified period, and institute a continuing surveillance program designed to ensure compliance with the terms of the order.

DATE: Comments must be received on or before May 29, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., NW, Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rules of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

[File No. 782 3008]

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

INTERNATIONAL INVENTORS INC., EAST, AND JAMES H. HAREN

The Federal Trade Commission having initiated an investigation of certain acts and practices of International Inventors Incorporated, East, a corporation, and James H. Haren, individually and as principal officer of said corporation, and it now appearing that International Inventors Incorporated, East, a corporation, and James H. Haren, individually and as principal officer of said corporation, hereinafter sometimes referred to as proposed respondents, are willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated.

It is hereby agreed by and between International Inventors Incorporated, East, a corporation, by its duly authorized officer, and James H. Haren, individually and as principal officer of said corporation, and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent International Inventors Incorporated, East, is a corporation organized, existing and doing business under and by virtue of the laws of the State of Virginia, with its office and principal place of business located at Suite 309, 4900 Leesburg Pike, Alexandria, Virginia 22302.

Proposed respondent James H. Haren is the principal officer of said corporation. He formulates, directs and controls the policies, acts and practices of said corporation and his business address is the same as that of said corporation.

2. Proposed respondents admit all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondents waive:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become a part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with related materials pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the respondents, in which event it will take such action as it may consider appropriate, or issue and serve its decision, in disposition of the proceeding. The Commission may, at any time pending issue of this order, require hearings on the relief requirements provided by this order.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the draft complaint here attached.

6. The agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's rules, the Commission may, without further notice to the proposed respondents, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have

the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Mailing of the complaint and decision containing the agreed-to order to proposed respondents' addresses as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order; and no agreement, understanding, representation or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondents have read the complaint and order contemplated thereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order and that they may be liable for civil penalty in the amount provided by law for each violation of the order after it becomes final.

ORDER

I.

For the purposes of this order the following definitions shall apply:

(a) The term "idea" shall mean any idea, invention or concept.

(b) The term "client" shall mean any party that has entered into an agreement with respondents for the "promotion" of an "idea."

(c) The term "financial gain" shall mean the amount of money derived by a "client" from respondents' "promotion" of the "client's idea."

(d) The term "promotion" or "promote" shall mean the advertising, evaluation, development, manufacturing, marketing or assistance in developing, manufacturing or marketing and/or otherwise contributing to the success of growth of an "idea," but does not include the seeking of legal protection under the patent laws of the U.S.

II.

It is ordered, That respondents International Inventors Incorporated, East, a corporation, its successors and assigns, and James H. Haren, individually and as an officer of said corporation, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising for, offering to enter into and entering into contracts for present or future services in connection with the promotion of ideas, or any other like or similar services, in or affecting commerce, as it is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Failing, in the normal course of business, to give clients' ideas a fair and thorough evaluation of the ideas' commercial feasibility, upon which said clients can rely.

2. Representing, directly or indirectly, orally or in writing, that respondents, in the normal course of business, can be expected to actively and successfully promote and negotiate, or in any way promote and negotiate, on behalf of their clients, with manufacturers who are interested in acquiring rights to ideas.

3. Representing, directly or indirectly, orally or in writing, that the United States Patent and Trademark Office's Document Disclosure Program can provide legal protection for clients' ideas prior to the filing of a formal patent application in the United States Patent and Trademark Office. Provided that nothing in this agreement shall prohibit respondents from referring clients to consult a patent attorney or licensed patent agent.

4. Representing, directly or indirectly, orally or in writing, that respondents' services can and do result in manufacturing contracts or licensing agreements between manufacturers and respondents' clients that produce financial gain for their clients.

5. Failing to make the following disclosures on any contract or other binding instrument to be executed by prospective clients. Said disclosures shall be in more conspicuous print than all other language in said instrument other than respondents' name, but in no case shall they be smaller than 12-point upper case type. Said disclosures and instrument shall be delivered to prospective clients at least 10 days prior to the time prospective clients execute said instrument. The disclosures shall be in the following form set off from the rest of the instrument by a black border and immediately above the line for the prospective clients' signatures:

NOTICE

(A) IN THE LAST FIVE YEARS THAT WE HAVE BEEN DOING BUSINESS, WE HAVE CONTRACTED TO PROMOTE IDEAS, INVENTIONS OR CONCEPTS FOR (NUMBER) CLIENTS. AS A RESULT OF OUR SERVICES:

1. (*number*) (——%) OF OUR CLIENTS EARNED $0-99.

2. (*number*) (——%) OF OUR CLIENTS EARNED $100-499.

3. (*number*) (——%) OF OUR CLIENTS EARNED $500-$1,000.

4. (*number*) (——%) OF OUR CLIENTS EARNED OVER $1,000.

5. (*number*) (——%) OF OUR CLIENTS EARNED MORE THAN THEY PAID US.

(B) WITHOUT PATENT PROTECTION, RECOGNIZED BY THE U.S. PATENT & TRADEMARK OFFICE, YOU MAY LOSE THE OPPORTUNITY TO OBTAIN FINANCIAL BENEFIT FROM YOUR IDEA. WE DO NOT PROVIDE ANY LEGAL SERVICES FOR OBTAINING PATENT PROTECTION RECOGNIZED BY THE U.S. PATENT & TRADEMARK OFFICE. YOU SHOULD AND ARE ENCOURAGED TO CONSULT AN INDEPENDENT PATENT ATTORNEY OR AGENT BEFORE YOU SIGN THIS AGREEMENT.

(C) YOU SHOULD TREAT YOUR IDEA AS A CONFIDENTIAL SUBJECT IN ORDER TO AVOID LOSING ANY PATENT RIGHTS YOU MAY HAVE.

(D) TODAY IS (Date). WE CANNOT ASK YOU TO SIGN AN AGREEMENT UNTIL 10 BUSINESS DAYS HAVE ELAPSED WHICH WILL BE ON (MONTH/DAY/YEAR).

I, (Name of Customer), hereby acknowledge receipt of a copy of this agreement on the date specified below.

Customer's Signature ——————————

Date ——————————

Accurate disclosures, given without comment, as required by this paragraph of the order, shall not be deemed a violation of PARAGRAPH 4 of this order.

6. Executing contracts or other agreements with a client prior to the expiration of the 10-day period disclosed in accordance with PARAGRAPH 5 herein.

7. Failing to retain executed copies of all disclosures required by PARAGRAPH 5 of this order for a period of five (5) years after such disclosure is made regardless of whether prospective clients ultimately execute contracts with respondents. Respondents shall make accurate statistical disclosures required by this paragraph and maintain records for a period of five (5) years sufficient to verify the accuracy of each disclosure.

8. Failing to include on all contracts or other binding instruments to be executed by prospective clients a schedule detailing the entire amount of any and all fees or other consideration which may be required from or paid by the client during the course of his business relationship with respondents.

It is further ordered, That:

1. Respondents shall conspicuously place in all printed advertisements, pamphlets, brochures and other promotional material, the statement below in print at least as large as the largest print in the advertising material other than respondents' name and shall state:

(Number) % of our clients have earned more than they paid to us as a result of our efforts to promote their idea.

2. In all advertisements broadcast by radio, or television, the above-required notice shall be read at the end of the advertisement at a rate of speed at least as slow as the slowest spoken part of the advertisement.

3. Respondents shall maintain for a period of three (3) years after any of

respondents' advertisements are disseminated:

(a) Records disclosing the date or dates each such advertisement was published;

(b) Records disclosing the names and addresses of the newspapers, other publications or broadcast media disseminating said advertisement; and

(c) Representative copies or representative scripts of all of respondents' advertisements published or disseminated by any media.

It is further ordered, That:

1. At the time respondents submit advertising to any newspaper or other written medium, they shall provide a copy of the following notice to each such medium:

"NOTICE

The Federal Trade Commission has issued a cease and desist order against (Name of Respondent). A copy of the Commission's News Release is available from (Name of Respondent) upon request."

2. At the time respondents submit advertising to any radio or television station, they shall provide a copy of the following notice to each such station:

"NOTICE

The Federal Trade Commission has issued a cease and desist order against (Name of Respondent). A copy of the Commission's News Release is available from (Name of Respondent) upon request. Your attention is directed to an agreement between the Federal Trade Commission and the Federal Communications Commission dated April 27, 1972."

It is further ordered, That respondents shall make all disclosures required by this order accurately, making such disclosures or copies thereof available to the Federal Trade Commission or any member of its staff on request.

It is further ordered, That respondents, upon receipt of a complaint from a client alleging facts that indicate this order may have been violated, rescind the contract, refund monies paid and cancel any outstanding obligations where respondents determine, after a good faith investigation, that one or more of the paragraphs of this order may have been violated in connection with such client's transaction with respondents.

It is further ordered:

1. That respondents deliver, by hand or by certified mail, a copy of this order to each of their present or future salesmen, independent brokers, franchise owners, employees or any other person who sells or promotes the sale of respondents' products or services;

2. That respondents provide each person so described in subparagraph 1. above with a form returnable to respondents, clearly stating an intention to conform sales practices to the requirements of this order and retain such form for a period of three (3) years after it is executed by said persons;

3. That respondents inform each person described in subparagraph 1. above that respondents shall not use any such person, or the services of any such person, until such person agrees to and files notice with respondents to be bound by the provisions contained in this order;

4. That in the event such person will not agree to file such notice with respondents and be bound by the provisions of this order, respondents shall not use such person, or the services or such person;

5. That respondents institute a program of continuing surveillance adequate to reveal whether the sales practices of each of said persons described in subparagraph 1. conform to the requirements of this order; and

6. That respondents discontinue dealing with any person described in subparagraph 1. of this order who engages in the acts or practices prohibited by this order.

It is further ordered, That respondents may accept compensation from a client for the promotion of the client's idea only as a percentage of royalties or other financial gain derived through respondents' efforts. Respondents may not accept any other fee or monetary consideration from a client.

It is further ordered, That respondents shall not sell, lease, exchange or otherwise alienate a client's idea or disclose a client's name, address, telephone number or other personal data to any party which will or may request such client to pay a fee or other monetary consideration for the promotion of that client's idea.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That:

1. The individual respondent named herein, and every firm, partnership, association, corporation or other business entity which he now or hereafter controls or manages, and which offers, or purports to offer, any service, product, or program, in connection with the advertising, evaluation, development, manufacturing, marketing or assistance in developing, manufacturing, or marketing, or otherwise contributing to the success of any client's product or service shall conspicuously place in all printed contracts, agreements, advertisements, pamphlets, brochures or other promotional materials, the statement below in print at least as large as the largest print on the material other than the business entity's name and shall state:

(Number) % of our clients have earned more than they paid us as a result of our efforts to (describe service, product, or program sold by such business entity).

2. In all advertisements broadcast by radio or television, the above-required notice shall be read at the end of the advertisement at a rate of speed at least as slow as the slowest spoken part of the advertisement.

3. Individual respondent shall maintain for a period three (3) years after any of respondent's advertisements are disseminated:

(a) Records disclosing the date or dates each such advertisement was published;

(b) Records disclosing the names and addresses of the newspapers, other publications or broadcast media disseminating said advertisment; and

(c) Representative copies or representative scripts of all advertisements published or disseminated by any media.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. In addition, for a period of ten years from the effective date of this order, the respondent shall promptly notify the Commission of each affiliation with a new business or employment. Each such notice shall include the respondent's new business address and a statement of the nature of the business or employment in which the respondent is newly engaged as well as a description of respondent's duties and responsibilities in connection with the business or employment. The expiration of the notice provision of this paragraph shall not affect any other obligation arising out of this order.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That nothing contained in this order shall relieve respondents of any additional obligations respecting idea promotion imposed by any state. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon a showing of inconsistency, shall make

such modifications as may be warranted.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

INTERNATIONAL INVENTORS INC., EAST FILE No. 782 3008

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement containing a proposed consent order from International Inventors Incorporated, East, (III,E), principally located at 4900 Leesburg Pike, Alexandria, Virginia 22302, and from James H. Haren, individually and as president of III,E.

The proposed consent order has been placed on the public record for sixty (60) days for the reception of comments by interested persons. Comments received during this period will become a part of the public record. After sixty (60) days, the Commission will again review the consent order and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The proposed complaint alleges that III,E has stated, contrary to fact, that it gives the ideas of prospective inventors who are its clients a fair and thorough evaluation of their commercial feasibility. The complaint further alleges that it does not actively and successfully promote clients' ideas with interested manufacturers, and does not obtain contracts with these manufacturers that result in financial gain for its clients. The complaint also alleges that III,E has misrepresented the legal protection provided by the United States Patent and Trademark Office's Document Disclosure Program. These acts and practices, the complaint finally alleges, were and are now causing pecuniary losses to persons contracting with III,E and are unfair and deceptive, and are therefore in violation of Section 5 of the Federal Trade Commission Act.

Proposed consent order prohibits III,E and Mr. Haren, from:

1. Failing, in the normal course of business, to give clients' ideas a fair and thorough evaluation of their commercial feasibility.

2. Representing that they can be expected to actively and successfully promote and negotiate on behalf of their clients with interested manufacturers.

3. Representing that the U.S. Patent and Trademark Office's Document Disclosure Program can provide protection prior to the filing of a formal patent application.

4. Representing that their services can and do result in manufacturing contracts or licensing agreements that produce financial gain for their clients.

The order includes a provision prohibiting III,E and Mr. Haren from accepting any compensation from a client for the promotion of an idea except as a percentage of the royalties that are received by the client.

In addition to the above prohibition, the consent order requires that the following be included on all sales contracts:

NOTICE

(A) IN THE LAST FIVE YEARS THAT WE HAVE BEEN DOING BUSINESS, WE HAVE CONTRACTED TO PROMOTE IDEAS, INVENTIONS OR CONCEPTS FOR (NUMBER) CLIENTS. AS A RESULT OF OUR SERVICE:

1. (number) (——%) OF OUR CLIENTS EARNED $0-99.
2. (number) (——%) OF OUR CLIENTS EARNED $100-499.
3. (number) (——%) OF OUR CLIENTS EARNED $500-1000.
4. (number) (——%) OF OUR CLIENTS EARNED over $1,000.
5. (number) (——%) OF OUR CLIENTS EARNED MORE THAN THE PAID US.

(B) WITHOUT PATENT PROTECTION, RECOGNIZED BY THE U.S. PATENT AND TRADEMARK OFFICE, YOU MAY LOSE THE OPPORTUNITY TO OBTAIN FINANCIAL BENEFIT FROM YOUR IDEA. WE DO NOT PROVIDE ANY LEGAL SERVICES FOR OBTAINING PATENT PROTECTION RECOGNIZED BY THE U.S. PATENT AND TRADEMARK OFFICE. YOU SHOULD AND ARE ENCOURAGED TO CONSULT AN INDEPENDENT PATENT ATTORNEY OR AGENT BEFORE YOU SIGN THIS AGREEMENT.

(C) YOU SHOULD TREAT YOUR IDEA AS A CONFIDENTIAL SUBJECT IN ORDER TO AVOID LOSING ANY PATENT RIGHTS YOU MAY HAVE.

(D) TODAY IS (DATE). WE CANNOT ASK YOU TO SIGN AN AGREEMENT UNTIL 10 BUSINESS DAYS HAVE ELAPSED WHICH WILL BE ON (MONTH/DAY/YEAR).

III,E and Mr. Haren will also be required to include the following statement in all advertisements:

"(Number) % of our clients have earned more than they paid to us as a result of our efforts to promote their idea."

Due to the lack of available III,E assets, the inclusion of an order provision requiring restitution by III,E to its clients and former clients was not feasible.

The purpose of the analysis is to facilitate public comments on the proposed order, and is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way the terms of the proposed order.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-9236 Filed 3-26-79; 8:45 am]

[6750-01-M]

[16 CFR Part 13]

[File No. 782 3075]

ITT CONTINENTAL BAKING CO., INC.

Consent Agreement with Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Rye, N.Y. manufacturer and seller of bakery products to cease disseminating advertisements which contain unsubstantiated comparative claims regarding the dietary fiber content of "Fresh Horizons" bread and other such food products; or which fail to include a statement disclosing that fiber ingredient in Fresh Horizons is derived from tree pulp. Such statement would be required for two and one-half years in all advertisements for products containing wood fiber. The order would also prohibit the company from representing that an ingredient in Fresh Horizons or in other food products has been recommended or approved by a doctor or scientist unless that party has been fully informed of the ingredient's identity and derivation. Additionally, the firm would be required to review and conform to the terms of the order all advertising claims for bakery and/or cereal-based products prepared or financed by its corporate parent.

DATE: Comments must be received on or before May 29, 1979.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

FTC/P, Albert H. Kramer, Washington, D.C. 20580. (202) 523-3727.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and

an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

[File No. 782 3075]

In the Matter of ITT CONTINENTAL BAKING COMPANY, INC. a corporation; AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST.

The Federal Trade Commission having initiated an investigation of certain acts and practices of ITT Continental Baking Company, Inc., a corporation, sometimes hereinafter referred to as proposed respondent, and it now appearing that proposed respondent is willing to enter into an agreement containing an order to cease and desist from the use of acts and practices being investigated;

IT IS HEREBY AGREED by and between ITT Continental Baking Company, Inc., and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent ITT Continental is a corporation, existing and doing business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located on Halstead Avenue, in the City of Rye, State of New York 10580.

2. Proposed respondent admits all the jurisdictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission it, together with the draft of complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

ORDER

I

It is ordered, That respondent ITT Continental Baking Company, Inc., a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of a bakery product called Fresh Horizons or any other food product, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce which, directly or indirectly:

A. Makes any comparative claim regarding the amount of fiber in any such product, as compared with that in any other food product, unless the claim is based on measurement of "dietary fiber" by the neutral detergent fiber method with an amylase modification. The neutral detergent fiber method with an amylase modification shall be used until such time as the Food and Drug Administration officially adopts a method for measuring dietary fiber in foods. At that time, the officially approved method for measuring dietary fiber shall be used for comparative quantity claims.

B. Makes any representation regarding the fiber content of any such product, unless respondent possesses and relies upon a reasonable basis consisting of competent and reliable scientific evidence for each such representation.

II

It is further ordered, That respondent ITT Continental Baking Company, Inc., a corporation, its successors and assigns, and it officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of a bakery product called Fresh Horizons or any other food product, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce which, directly or indirectly, makes any representation that any such product or any ingredient in such product has been recommended or approved by any doctor(s) or scientist(s), unless:

A. Before giving such recommendation or approval for such product, the doctor(s) or scientist(s) had been fully informed of the identity and derivation of all of the ingredients in such product, except those incidental ingredients which are added to assist in the food processing function which amount to less than 2% each of the final product on a weight basis, or

B. Before giving such recommendation or approval for any such ingredient, the doctor(s) or scientist(s) had been fully informed of the identity and derivation of that ingredient.

III

It is further ordered, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of the bakery product

called Fresh Horizons or any other bread product containing alpha cellulose derived from wood, do forthwith cease and desist from disseminating or causing the dissemination of any advertisement by means of the United States mails or by any means in or affecting commerce, which fails to disclose clearly and conspicuously in each advertisement in the *exact* language listed below for two and one-half years from the effective date of this Order:

"The source of (this/the) fiber is wood;" or

"Contains fiber derived from pulp of trees." Upon the expiration of this two and one-half year period respondent shall disclose clearly and conspicuously in each such advertisement for such bakery product in no more than ten (10) words that the source of the fiber in such product is wood or that such product contains fiber derived from the pulp of trees.

Either of these disclosures shall be required so long as wood continues to be a fiber component of such product.

Coupons without any advertising claims and point of purchase advertising without general text are exempt from the requirements of this provision. Advertisements which make advertising claims and also contain a coupon are subject to the requirements of this Order.

IV

It is further ordered, That respondent, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale or distribution of any bakery product or cereal-based product do forthwith cease and desist from disseminating or causing the dissemination of any advertisement, by means of the United States mails or by any means in or affecting commerce, which represents directly or by implication that such product contains only ingredients commonly used, or anticipated* by consumers to be commonly used, in the making of such a product, unless

A. such is the case;

B. the total of the unanticipated and uncommonly used ingredients in the final product is 4 percent or less by weight; ** or

c. the presence, identity, and source of each unanticipated or uncommonly used ingredient is disclosed clearly and conspicuously when the total of the unanticipated and uncommonly used ingredients in the final product is greater than 4 percent of that product by weight.**

V

It is further ordered, That respondent, is successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device review and conform all advertising claims for any bakery and/or cereal-based product prepared and/or financed by the International Telephone and Telegraph Corporation, its subsidiaries or divisions, to the provisions of this Orders.

VI

It is further ordered, That respondent forthwith distribute a copy of this Order to each of its operating divisions.

VII

It is further ordered, That the respondent shall notify the Commission at least thirty (30) days prior to any proposed change in its corporate status such as dissolution, emergence of a successor corporation, the creation or dissolution of subsidiaries, and assignment or sale of the business, or any other change in the corporate respondent that may affect compliance obligations airising out of this Order.

VIII

It is further ordered, That the respondent shall within sixty (60) days after service of this Order, submit to the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this Order. The effective date of paragraphs I–VI shall be the sixtieth day after service of this Order.

IX

It is further ordered, That the respondent maintain all files and records related to the requirements of Parts I–V of this Order for a period of three (3) years after the dissemination of any advertisement of any product covered by this Order, and that such material shall be made available to the Federal Trade Commission or its staff for inspection and copying upon reasonable demand.

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has negotiated an agreement which includes a consent order with ITT Continental Baking Company, Inc. ("ITT Continental") to address certain claims made by the company in connection with its advertising for a bakery product called Fresh Horizons. The claims which are the subject of this agreement and order have been challenged by the Commission as false, deceptive, and misleading.

In the course of these negotiations, ITT Continental has submitted certain information to the Commission which is related to the merits of the consent order. The proposed consent order and other materials submitted by ITT Continental which are not exempt from disclosure under the Freedom of Information Act have been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record in this case. After sixty (60) days, the Commission will review the agreement and the comments received and will decide whether to withdraw from the agreement or to make the agreement final.

The proposed complaint in this case charges ITT Continental with failing to disclose that the fiber in Fresh Horizons is derived from wood. The proposed complaint further charges that ITT Continental's failure to disclose this fact, coupled with its comparison of the fiber content of Fresh Horizons with that of 100% whole wheat bread, provides the public with the false impression that Fresh Horizons is made only with ingredients commonly used in the manufacturing of bread.

In addition, the proposed complaint charges respondent ITT Continental with deceptively representing that one slice of Fresh Horizons contains 5 times the fiber of one slice of 100% wheat bread and as much fiber as one serving of 100% all bran cereal. It also charges respondent with deceptively representing that three out of five doctors recommend Fresh Horizons for its fiber alone.

The consent order contains the following provisions which are designed

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* An ingredient shall be considered "commonly used or anticipated" for purposes of this Order:

(1) if it is enumerated under 21 C.F.R. § 170.3(n) or,

(2) if it is included under 21 C.F.R. § 170.3(o) and meets the requirements of the definition of common usage,

PROVIDED that for substances containing an ingredient which is included under 21 C.F.R. § 170.3(o) to be considered "commonly used or anticipated," such substances must be used in amounts which do not exceed levels of common usage when performing the same function in other foods.

For purposes of this Order, common usage shall mean a history of consumption of a substance by a significant number of consumers in the United States.

** For purposes of cumulating the 4% threshold:

(a) when a subsection (o) substance is used to perform a function for which there is no common usage of that substance for that function in foods, the entire amount of the substance shall be cumulated;

(b) when a subsection (o) substance is used to perform a function for which there is common usage of that substance for that function in foods, the amount which exceeds the highest previous level which has been commonly used to perform that function shall be cumulated.

to remedy these alleged violations. First, Part IA of the order prohibits respondent from making comparative claims in its advertising about the amount of fiber in Fresh Horizons or any other food product, unless the claim is based on a method of fiber measurement that uses the neutral detergent fiber method with an amylase modification. This method, which is presently one of the most accurate methods for measuring dietary fiber, is to be used until the Food and Drug Administration adopts an official method for measuring dietary fiber in foods.

Part IB of the order prohibits respondent from making any representations about the fiber content in Fresh Horizons or any other food product, unless it possesses and relies upon a reasonable basis for making that representation.

Part II of the order prohibits respondent from representing in any advertisement for Fresh Horizons or any other food product that the product has been recommended or approved by any doctor(s) or scientist(s) unless the doctor or scientist is told the identity and derivation of all of the ingredients in the product, except for the incidental food processing ingredients which amount to less than 2% of the final product's weight. Part II of the order also prohibits the representation that an ingredient in Fresh Horizons or any other food product has been recommended or aproved by any doctor(s) or scientist(s) unless the doctor or scientist is fully informed of the identity and derivation of the ingredient.

Part III of the order prohibits respondent from advertising Fresh Horizons or any other bread product containing fiber derived from wood unless it discloses the fiber source clearly and conspicuously for two and one-half years using one of the following statements:

"The source of (this/the) fiber is wood." or "Contains fiber derived from pulp of trees."

After the two and one-half year period has expired, and as long as the bread product contains wood, respondent must clearly and conspicuously disclose in 10 words or less that the source of the fiber in this product is wood or that such product contains fiber derived from the pulp of trees. Coupons without advertising claims and point of purchase advertising without general text are exempt from the requirements of this provision. However, advertisements which make advertising claims and also contain a coupon are subject to the requirements of this provision.

Part IV of the order prohibits respondent from disseminating advertisements which represent directly or by implication that any bakery or cereal-based product contains only ingredients commonly use, or anticipated by consumers to be commonly used, in the making of such a product unless:

(1) That is the case; or

(2) The total of the unanticipated and uncommonly used ingredients in the final product is 4% or less of the product's weight; or

(3) The presence, identity, and source of each of the unanticipated or uncommonly used ingredients is disclosed, where the total of the unanticipated or uncommonly used ingredients in the final product is greater than 4% of the product's weight.

For purposes of this order, "commonly used or anticipated" ingredients or defined in a footnote to Part IV of the order. These ingredients are defined in terms of two food additive subsections found in the Code of Federal Regulations. The order specifies that substances included in these two subsections, 21 C.F.R. §§ 170.3 (n) or (o), shall be considered "commonly used or anticipated," so long as the 21 C.F.R., § 170.3(o) substances have a history of consumption by a significant number of consumers in the United States and they are used in amounts which do not exceed levels of common usage when they are performing the same function in other foods.

A second footnote to Part IV of the order delineates how the 4% threshold triggering the "unanticipated ingredient" disclosures can be met. If a subsection (o) substance is used to perform a function for which there is no common usage of that substance for that function in foods, the entire amount of the substance is cumulated to determine the 4% threshold. If a subsection (o) substance is used to perform a function for which there is common usage of that substance for that function in foods, the amount which exceeds the highest previous level which has been commonly used to perform that function shall be cumulated to determine the 4% threshold.

In this way, new functional usages of a subsection (o) substance require cumulation of the entire amount of the substance, while established functional usages of subsection (o) substances require cumulation of only the amounts exceeding past levels of common uasge to determine the 4% disclosure threshold.

Part V of the order requires respondent to review and conform to the provisions of this order all advertising claims for any bakery and/or cereal-based product prepared and/or financed by ITT Continental's parent corporation, the International Telephone and Telegraph Corporation, its subsidiaries or divisions.

Part VI requires respondent to distribute a copy of this order to each of its operating divisions.

Part VII requires respondent to notify the Commission at least thirty (30) days prior to any proposed change in its business status which may affect compliance with this order.

Part VIII requires respondent to submit to the Commission within sixty (60) days a written report which sets forth in detail the manner in which it has complied with this order.

Part IX requires respondent to maintain all files and records related to the requirements of Parts I-V of this order for three (3) years after the dissemination of any advertisement of any product covered by this order. Such material shall be available to the Commission staff upon staff's reasonable demand.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement or proposed order or to modify the terms of those documents in any way.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-9229 Filed 3-26-79; 8:45 am]

[4110-07-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Parts 404 and 416]

OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE PROGRAM

Quarters of Coverage and Insured Status Benefits in Case of Veterans

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Eligibility, Filing of Applications and Other Forms, Relationship, Resources and Exclusions

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: HEW plans to rewrite and reorganize several subparts of the regulations under titles II and XVI of the Social Security Act. The objectives are: (1) to comply with Executive Order 12044 and to meet the Department's "Operation Common Sense" standards by making the regulations clearer and easier to understand; (2) to remove obsolete and rarely used provisions; and (3) as appropriate, to examine the policies and consider additions, revisions, and clarifications. The revised subparts will be published with Notice of Proposed Rulemaking. The

regulations presently being rewritten are:

(1) 20 CFR PART 404, SUBPART B

This subpart contains the rules on quarters of coverage and insured status. Quarters of coverage are used to determine a person's insured status; insured status is a basic factor in determining a person's entitlement to benefits under the Old-Age, Survivors, and Disability Insurance Program.

(2) 20 CFR PART 404, SUBPART N

Included in this subpart are the rules on granting wage credits for purposes of social security coverage to certain veterans and members of the uniformed services. These are generally referred to as World War II and post-World War II service wage credits.

(3) 20 CFR PART 416, SUBPART B

The rules in this subpart describe the basic requirements for determining a person's eligibility and continuing eligibility for supplemental security income.

(4) 20 CFR PART 416, SUBPART C

The rules on filing an application for supplemental security income are contained in this subpart. An essential requirement for the receipt of these benefits is that a valid application be filed.

(5) 20 CFR PART 416, SUBPART J

This subpart contains the rules on who is considered a husband or wife, who is considered a child, and who is considered a parent for purposes of determining eligibility for, and the amount of, supplemental security income.

(6) 20 CFR PART 416, SUBPART L

These regulations cover what "resources" are and how they are considered in determining eligibility for, and the amount of, supplemental security income.

HEW has classified the recodification of these regulations as policy significant in nature.

FOR FURTHER INFORMATION CONTACT:

Charles Rollins, Room 4234, West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, (301) 594-6666.

Dated: March 9, 1979.

STANFORD G. ROSS,
Commissioner of Social Security.

[FR Doc. 79-9185 Filed 3-26-79; 8:45 am]

[4110-07-M]

[20 CFR Part 416]

SUPPLEMENTAL SECURITY INCOME BENEFITS

Recovery of Overpayments

AGENCY: Social Security Administraton, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Social Security Administration is planning to publish an amendment to regulations clarifying the circumstances under which it decides that recovery of an overpayment from an individual without fault would defeat the purpose of title XVI and thus should be waived. Present regulations in § 416.553(a) provide for a finding of "defeat the purpose" if the individual's income does not exceed a stated amount (which corresponds generally to the income level at which an otherwise eligible individual can receive Supplemental Security Income (SSI) benefits).

The amendment will make clear that this test applies only in the case of an "eligible individual" under the SSI program, since by definition the income and resources of these individuals are within SSI eligibility levels, and thus are considered necessary for subsistence needs. In all other situations, the test in § 416.553(b) will apply, and we will consider in each case whether the individual's income and resources are needed for ordinary and necessary living expenses. Although this is the intent of the present regulations, the language needs clarification.

The proposed policy will amend 20 CFR 416.553. HEW has classified the proposed amendment to regulations as policy significant.

FOR FURTHER INFORMATION CONTACT:

Mrs. Sadie Woolford, 4-J-5 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone (301) 594-6528.

Dated: March 1, 1979.

STANFORD G. ROSS,
Commissioner of Social Security.

[FR Doc. 79-9187 Filed 3-26-79; 8:45 am]

[4110-07-M]

[20 CFR Part 416]

[Regulations No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Pass Along of Federal Supplemental Security Income Benefit Cost-of-Living Increases to Recipients of State Supplementary Payments; Limitations on State Costs for Hold-Harmless States

AGENCY: Social Security Administration, HEW.

ACTION: Proposed rule.

SUMMARY: The proposed regulations provide the rules we will use to implement the pass-along provisions of the social security amendments enacted October 21, 1976 (section 2 of Pub. L. 94-585). Generally, these provisions require that States that supplement the Federal SSI benefit "pass along" Federal cost-of-living increases to individuals who are eligible for State supplementary payments. In order to meet this requirement, States that make supplementary payments on or after June 30, 1977, must agree to continue making these payments and to keep them at certain levels. If a State does not agree, or if the State agrees but does not keep the payments at the required levels, the State is subject to loss of Medicaid reimbursement under title XIX of the Social Security Act. However, the State will not be found to be out of compliance because it did not keep its payments at any particular level if it maintains its total annual expenditures for State supplementary payments. Another provision known as the "preservation of hold-harmless provision," protects certain States (currently Hawaii, Massachusetts, and Wisconsin) from an increase in their State expenditues when they pass along cost-of-living increases in Federal SSI benefits.

In these regulations, we are describing (1) the requirements which States must meet under the "pass-along" amendments, (2) the general content of the agreements between the States and the Secretary, and (3) the basis for our finding that a State is not in compliance and the effect of this finding on the State. In addition, we are (1) removing the parenthetical phrase in the definition of State supplementary payments which refers to burnouts, utility turn-offs, etc., because it is no long necessary, and (2) amending the regulations on hold-harmless protection so that they provide protection for "passing along" Federal cost-of-living increases.

DATE: We will consider your comments if we receive them no later than May 29, 1979.

ADDRESSES: Send your written comments to: Social Security Administra-

tion, Department of Health, Education, and Welfare, North Building, Room 5131, 330 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT:

Clara B. Powell, Legal Assistant, Division of Regulations, Office of Policy and Regulations, Office of Program Policy and Planning, Social Security Administration, Baltimore, Maryland 21235 (301-594-7459).

SUPPLEMENTARY INFORMATION:

If a State makes supplementary SSI payments on or after June 30, 1977, the State must comply with the provisions of section 1618 of the Social Security Act (the pass-along amendment). Generally, this section requires that States have in effect an agreement with the secretary of HEW to continue to make supplementary payments at least at the same levels as the supplementary payment levels in effect in December 1976. If the State did not make supplementary payments in December 1976, the State must maintain the levels for the first month after December 1976 in which the State makes supplementary payments. If a State does not meet these requirements, the State would be subject to loss of Medicaid reimbursement. However, a State will not be found to be out of compliance because it did not maintain its payment levels if its total expenditures for supplementary payments in the 12-month period beginning with each effective date of Federal SSI cost-of-living increases are at least equal to the State's total expenditures for supplementary payments in the immediately preceding 12-month period.

The purpose of the pass-along amendments is to encourage States to pass along to SSI beneficiaries the amount of the federal cost-of-living increase. Some States have not done this in the past. Instead, when Congress enacted cost-of-living increases in the Federal SSI benefit amount, some States would reduce the levels of the State supplementary payments by the amount of the Federal increase. The SSI beneficiaries in these States would receive the same combined Federal/State benefit they were receiving before the increase, but would not receive the additional money provided by the cost-of-living increase.

We are proposing to add new §§ 416.2095-416.2098 to the regulations, which describe (1) the scope and substance of the requirements which States must meet under the pass-along amendments, (2) the general content of the agreements between the States and the Secretary and (3) the basis for our finding that a State is not in compliance and the effect of this finding on the State. We are also making a technical change in § 416.2001(a) which defines "supplementary payments," a term used in the pass-along amendments, and amending § 416.2080 to give full protection to hold-harmless States in passing along Federal SSI cost-of-living increases.

STATE SUPPLEMENTARY PAYMENTS WHICH ARE COVERED BY THE PASS-ALONG REQUIREMENTS

The pass-along requirements apply to the type of payments described in section 1616(a) of the Act and § 416.2001(a) of the regulations. These payments are known as optional supplementary payments. These payments must be made (1) in cash, (2) by a State or political subdivision, (3) on a regular basis, (4) to individuals who are eligible, or would be eligible except for their income, for benefits under title XVI of the Social Security Act, and (5) as assistance based on need in supplementation of Federal SSI benefits, as determined by the secretary of HEW.

The pass-along requirements also apply to State supplementary payments made under section 212 of Pub. L. 93—66 and § 416.2001(c) of the regulations. These payments are known as mandatory supplementary payments. They are available only to individuals who received aid under a State plan approved under title I, X, XIV, or XVI of the Social Security Act for the month of December 1973.

Optional or mandatory supplementary payments may be administered by the State or by the Federal government at the State's option. The pass-along requirements apply whether the State or the Federal government administers the payments. They also apply whether the person who receives those payments receives both a Federal SSI benefit and a supplementary payment or, because of his or her income, receives only a State supplementary payment.

STATE AGREEMENT WITH THE SECRETARY

In § 416.2096, we discuss the State agreement with the secretary. Basically, the State must have an agreement with the Secretary in effect and agree to continue making supplementary payments and maintain these payments at least at the same levels in effect in December 1976. If a State does not maintain these levels, but does make total State supplementary payments that are at least equal to the total payments made in the 12-month period before the Federal cost-of-living increase, we shall consider that the State has complied with the agreement with the Secretary.

STATE SUPPLEMENTARY PAYMENT LEVEL

In § 416.2097, we define the supplementary payment lvel as the amount of the supplementary payment established by the State that an individual in each payment category received in the State in December 1976 if the individual had no countable income. States must maintain these levels to comply with the pass-along requirements.

For example, the Federal SSI benefit amount in June 1977 for an individual living in his or her own household and having no income was $167.80 per month. If a State made a $50 optional supplementary payment per month to individuals in this situation, they would receive a total payment of $217.80 per month under the SSI program. In July 1977, the Federal cost-of-living increase was $10 and the Federal SSI benefit amount was increased to $177.80 per month. Under these circumstances, a State would maintain the level of its supplementary payment if the State continued to make a $50 supplementary payment per month above the Federal SSI benefit level to individuals in this situation. Thus, the individuals would receive a total payment of $227.80 per month under the SSI program, and the Federal cost-of-living increase of $10 per month would be passed along to them.

This is the only definition of supplementary payment level that would carry out the intent of the statute. If we defined the supplementary payment level as the total amount of the Federal and State payments before the Federal cost-of-living increase (in our example, $217.80 per month), the States could do exactly what Congress enacted section 1618 to discourage them from doing. When the Federal benefit increased, the State could decrease its supplementary payment and the total Federal plus State level still would be maintained. However, the SSI beneficiary would not receive the added money that he or she should have from the Federal cost-of-living increase and there would be no pass-along.

Also, it would be contrary to the intent of the statute if we defined the "level" which must be maintained in terms of the amounts of the State supplementary payment that the particular individual received (rather than the amount the State paid to individuals who in that category had no countable income). A definition requiring individual levels of payment to be maintained would not accommodate changes in current countable income. Further, it would not give pass-along protection to individual who become eligible for SSI payments after December 1976. The definition of State supplementary payment level in the proposed regulations will allow for changes in actual payments to individual beneficiaries because of changes in their income.

Some examples follow which show what will happen to SSI benefits after a cost-of-living increase under these rules. For these examples, the Federal SSI standard payment amount is $168 before the cost-of-living increase and $178 after the increase. The State supplementary payment is $50.

EXAMPLE 1.—*Receipt of Federal SSI Benefits, No Outside Income*

	Federal SSI cost-of-living increases	
	Before	After
Income	$0	$0
Fed. Ben.	168	178
State supp. payment	50	50
Total	$218	$228

EXAMPLE 2.—*State Supplementary only, Countable Income $195 (Remains Constant)*

Income	$195	$195
Fed. Ben.	0	0
State supp. payment	23	33
Total	$218	$228

EXAMPLE 3.—*State Supplementary Only, Countable Income Title II Benefit $195 (Title II Benefit is Increased by Same Percentage as SSI Following a Cost-of-Living Increase)*

Income	$195	$208
Fed. Ben.	0	0
State supp. payment	23	20
Total	$218	$228

We have already explained Example 1. Where an individual is receiving a Federal SSI benefit and has no outside income, the State maintains its supplementary payment level by continuing to pay $50 per month. The same principle would apply if the individual did have income, but not enough to reduce the Federal SSI benefit to zero.

Example 2 and Example 3 show what happens when an individual has enough income to offset the entire Federal SSI benefit but not the State supplementary payment as well. These are the "state supplementary payment only" cases. In these situations, the State must again maintain a level of payment $50 above the increased Federal level, i.e., to a total of $228. In Example 2, the individual's outside income has not increased. Therefore, to maintain its payment level, the State must increase its supplementary payment by $10.

However, Example 2 is not the typical case. Most individuals who receive only a State supplementary payment do so because they also receive title II social security benefits. These benefits also have a cost-of-living increase. Example 3 shows that, if the title II benefits rise by $13, the State can maintain its supplementary level up to $228 while actually reducing the State payment by $3. Since there are far more Example 3 cases than Example 2 cases, we believe that the States generally can maintain their payment levels for the individual receiving only State supplementary payments and at the same time can reduce their total expenditures.

STATE COMPLIANCE WITH THE PASS-ALONG REQUIREMENTS

In § 416.2098, we discuss what we will require that the States do to show that they are complying with the pass-along rules. Generally, a State must keep records and provide information about (1) its supplementary payment levels in December 1976 and following months, (2) its total expenditures for supplementary payments for the 12-month period beginning July 1976 through June 1977 and following 12-month periods, and (3) its advance estimates of the total State supplementary payment expenditures for each 12-month period covered by the agreement. If a State is not complying with the pass-along rules, the State will be subject to a finding of ineligibility for reimbursement under title XIX of the Social Security Act beginning with the first quarter it fails to comply.

PROVISION FOR "HOLD-HARMLESS" STATES

The Congress also provided, in section 2 of Public Law 94-585, that certain States, referred to as hold-harmless States, shall be able to pass along Federal increases in SSI payments to beneficiaries without increasing their fiscal liability. The States currently protected by this provision are Hawaii, Massachusetts, and Wisconsin.

Because of this provision in Pub. L. 94-585, we need to change the regulations in § 416.2080 to allow the disregard of the amount of any Federal SSI benefit increase becoming effective after June 30, 1977, in the formula for determining fiscal liability. These States are permitted to pass on the increases entirely at Federal expense whether the individual is receiving a Federal SSI benefit plus a State supplement or is receiving the State supplement only. In the latter case, either (1) the individual would be receiving Federal SSI benefits except that he or she had other income which precluded payment of the Federal SSI benefit, or (2) the increase would enable the individual to become eligible for Federal SSI benefits.

CHANGE IN DEFINITION OF STATE SUPPLEMENTARY PAYMENTS

We are changing the definition of "State supplementary payments" in § 416.2001(a) to delete the parenthetical phrase in § 416.2001(a)(2) which refers to payments for burnouts, utility turn-offs, etc. We do not believe that inclusion of these payments is appropriate for passalong purposes. These payments were included before to make sure that they were not counted as income. Since section 1612(b)(6) of the Social Security Act now specifically excludes any payments (regular or not) made by a State or locality based on need, specific mention of those payments as State supplementary payments is no longer necessary.

The proposed amendments are to be issued under the authority of sections 1102, 1601, 1616, 1618, and 1631(d) of the Social Security Act, as amended; 49 Stat. 647 as amended; 86 Stat. 1465, 86 Stat. 1474, as amended; 90 Stat. 2901; 86 Stat. 1476; 42 U.S.C. 1302, 1381, 1382e, 1382g, 1383(d)(1); section 401 of Pub. L. 92-603, as amended by section 504 of Pub. L. 94-566; and section 2 of Pub. L. 94-585.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: January 30, 1979.

STANFORD G. ROSS,
Commissioner of Social Security.

Approved: March 16, 1979.

HALE CHAMPION,
Acting Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below:

1. In § 416.2001, paragraph (a)(2) is revised to read as follows:

§ 416.2001 State Supplementary payments; general.

(a) *State supplementary payments; defined.* * * *

(2) Regularly, on a periodic recurring, or routine basis of at least once a quarter; and

* * * * *

2. In § 416.2080, paragraphs (c), (d), (e)(1), and (f) are revised to read as follows:

§ 416.2080 Limitation of fiscal liability of States.

* * * * *

(c) *State fiscal protection.* Except as provided in paragraph (e) of this section, the provisions of paragraphs (a) and (b) of this section apply only to that portion of the State supplementary payments made by the Secretary on behalf of a State under an agreement for any month which does not

exceed, in the case of any individual (or couple), the difference between—

(1) The adjusted payment level as defined in § 416.2085 under the appropriate approved State plan(s) as in effect for January 1972; and

(2) An amount equal to—

(i) The benfits paid for the current month under title XVI; plus

(ii) Any income not excluded under Subpart K of this part; less

(iii) The amount of any cost-of-living increase in Federal benefits under section 1617 of the Social Security Act (or any general increase enacted by law in the dollar amounts referred to in section 1617) becoming effective after June 30, 1977.

(d) *Unprotected payments.* Except as provided in paragraph (e) of this section, the State shall make entirely at State expense that portion of the State supplementary payment which is, in the case of any individual, more than the difference between (1) the State's January 1972 adjusted payment level and (2) the Federal benefit plus income counted under Federal eligibility rules and less the amount of any cost-of-living or general increase in the Federal benefits becoming effective after June 30, 1977.

(e) *Credits and debits.* For purposes of determining the extent of protected payments where State supplementary payments are paid at varying levels, to the extent that payments above the adjusted payment level do not exceed the difference by which variations in payment levels (variant payment levels) are established below the adjusted payment level, payments count toward the amount of a State's fiscal liability protection. This provision is explained as follows:

(1) The variant payment levels must be both above and below the adjusted payment level. The variant payment level is the sum of the Federal benefit plus income counted under Federal eligibility rules; less the amount of the cost-of-living and general increases in the Federal benefits becoming effective after June 30, 1977; plus the State supplementary payment.

* * * * *

(f) *Fiscal limit not applicable.* The limitation on the fiscal liability provision does not apply to any State supplementary payments which are made to individuals or couples within any category for which the adjusted payment level is less than, or equal to the Federal monthly benefit rate (excluding the cost-of-living and general increases in the Federal benefits becoming effective after June 30, 1977) for an eligible individual or eligible couple as specified in §§ 416.410 and 416.412. Further, the provisions of paragraph (a) of this section do not apply to the amount of any State supplementary payment that results from the application of additional income exclusions specified by the State in its agreement with the Secretary (see § 416.2025(c)). In addition, the provisions of paragraph (a) of this section do not apply with respect to supplementary payments to any individual (or couple) who—

(1) Is not required to be included in the agreement administered by the Secretary (see § 416.2010(a)); and

(2) Would have been ineligible (for reasons other than income) for payments under the appropriate approved State plan as in effect for January 1972.

3. Subpart T of Part 416 is amended by adding new §§ 416.2095 through 416.2098 to read as follows:

§ 416.2095 Pass-along of Federal cost-of-living increases.

(a) *General.* This section and the three that follow describe the rules for passing along the cost-of-living increases in the Federal SSI benefit to recipients of State supplementary payments.

(1) Section 416.2095(b) indicates when the pass-along rules apply to State supplementary payments.

(2) Section 416.2096 describes the basic pass-along rules. The States must have an agreement to "pass along" cost-of-living increases in Federal SSI benefits. A State passes along an increase when it maintains (rather than decreases) the levels of all its supplementary payments after a Federal cost-of-living increase has occurred. Generally, a pass-along of the increase permits recipients to receive an additional amount in combined benefits equal to the Federal cost-of-living increase. A State can change its payment levels if it meets an annual expenditures test.

(3) Section 416.2097 explains how to compute a supplementary payment level.

(4) Section 416.2098 discusses what information the States must provide to the Secretary concerning their supplementation programs so that the Secretary can determine whether the State is in compliance. That section also discusses the basis for findings of noncompliance and what will occur if a State is found out of compliance.

(b) *When the pass-along applies.* (1) The pass-along requirements apply to all States (and the District of Columbia) that make supplementary payments after June 29, 1977, and wish to participate in the Medicaid program.

(2) The pass-along requirements apply to both optional supplementary payments of the type described in § 416.2001(a) and mandatory minimum supplementary payments as described in § 416.2001(c), whether or not these State supplementary payments are Federally administered.

(3) The requirements apply to State supplementary payments for both recipients who also receive Federal SSI benefits and recipients who, because of countable income, receive only a State supplementary payment.

(4) The requirements apply to State supplementary payments for recipients eligible for a State supplementary payment before or after June 30, 1977.

(5) Supplementary payments made by a State include payments made by a political subdivision (including Indian tribes) where—

(i) The payment levels are set by the State; and

(ii) The payments are funded in whole or in part by the State.

§ 416.2096 Basic pass-along rules.

(a) *State agreements to maintain supplementary payment levels.* In order to be eligible to receive Medicaid reimbursement, any State that makes supplementary payments on or after June 30, 1977, must have in effect an agreement with the Secretary. In this agreement—

(1) The State must agree to continue to make the supplementary payments; and

(2) The State must agree to maintain the supplementary payments at levels at least equal to the December 1976 levels (or, if a State first makes supplementary payments after December 1976, the levels for the first month the State makes supplementary payments). The Secretary will consider a State to have made supplementary payments on or after June 30, 1977, unless the State furnishes evidence to the contrary that is satisfactory to the Secretary.

(b) *Total State expenditures.* (1) We shall consider a State to have met the requirements for maintaining its supplementary payment levels for a particular month or months if total State expenditures for supplementary payments in the 12-month period beginning on the effective date of a Federal cost-of-living increase are at least equal to the total State expenditures for supplementary payments in the 12-month period before the Federal cost-of-living increase.

(2) Total State expenditures for supplementary payments are the State's total payments for both mandatory and optional supplementary payments in the appropriate 12-month period less the amount of any payments recovered and other adjustments made in that period. Total State expenditures do not include State administrative expenses, interim assistance payments, vendor payments, or payments made under other Federal programs, such as title IV, XIX, or XX of the Social Security Act.

(3) Total State expenditures do not include adjustments in State supplementary payments made after the expiration of the relevant 12-month period.

§ 416.2097 Supplementary payment levels.

(a) *General.* The supplementary payment level is the total State payment for December 1976 which a State provides an eligible individual (or couple) with no countable income in excess of the Federal SSI benefit for December 1976. We compute supplementary payment levels according to rules described in paragraphs (b)–(e) of this section. When applying these rules to States that did not make supplementary payments in December 1976, we base the supplementary payment level on the payment for the first month after that in which a State makes supplementary payments.

(b) *Mandatory minimum supplementary payment level.* The mandatory minimum supplementary payment level is a recipient's December 1973 minimum income level plus any State increases prior to January 1977, less any reductions made at any time after December 1973 due to changes in special needs or circumstances, less the December 1976 Federal standard payment amount.

(c) *Optional supplementary payment level for States with flat grant amounts.* The optional supplementary payment level for States with flat grant amounts is the total amount which an eligible individual (or couple) with no countable income received for December 1976 in excess of the Federal SSI benefit for December 1976. If the State varied its payment levels for different groups of recipients (e.g., paid recipients different amounts based on eligibility categories, geographic areas, living arrangements, or marital status), each variation represents a separate supplementary payment level.

(d) *Optional supplementary payment level for States with individually budgeted grant amounts.* The optional supplementary payment level for States with individually budgeted grant amounts is the amount which the State budgeted for December 1976 in excess of the December 1976 Federal SSI benefit for an eligible individual (or couple) having the same needs and no countable income.

(e) *Optional supplementary payment level for States with per diem grant amounts.* The optional supplementary payment level for a particular calendar month for States with per diem grant amounts is the total dollar amount which the State would have paid to an eligible individual (or couple) with no countable income for that month at rates in effect for December 1976 (number of days in the calendar month multiplied by the December 1976 per diem rate plus any December 1976 personal needs allowance) in excess of the December 1976 Federal SSI benefit.

§ 416.2098 Compliance with pass-along.

(a) *Information regarding compliance.* Any State required to enter into a pass-along agreement with the Secretary shall provide appropriate and timely information to demonstrate to the Secretary's satisfaction that the State is meeting the pass-along requirments. The information shall include—

(1) The State's December 1976 supplementary payment levels, any subsequent supplementary payment levels, and any change in State eligibility requirements. If the State made no supplementary payments in December 1976, it shall provide information about the first month in which it makes supplementary payments; and

(2) The total State expenditures for supplementary payments for the 12-month period beginning July 1976 through June 1977, for each subsequent 12-month period, and for any other 12-month period beginning on the effective date of a Federal SSI cost-of-living increase. The State shall also submit advance estimates of their total supplementary payments for each 12-month period covered by the agreement.

(b) *Records.* The State shall maintain records about its supplementary payment levels and total 12-month expenditures for supplementary payments and permit inspection and audit by the Secretary or someone designated by the Secretary.

(c) *Noncompliance by the States.* Any State that makes supplementary payments on or after June 30, 1977, and does not have a pass-along agreement with the Secretary in effect, shall be subject to a determination by the Secretary of ineligibility for payments under title XIX of the Act. Ineligibility shall apply to expenditures for any calendar quarter beginning after June 30, 1977, for which there is no agreement. If a State makes supplementary payments beginning with a month after June 1977, ineligibility shall apply to any calendar quarter beginning after the calendar quarter in which the State first makes payments. A State that enters into an agreement but does not comply with its terms shall be subject to a determination that it does not have an agreement in effect as of the first month that the State does not comply. The State shall then be subject to a determination of ineligibility for title XIX payments for any calendar quarter for which it has not complied with the terms of the agreement.

[FR Doc. 79-9186 Filed 3-26-79; 8:45 am]

[4110-03-M]

Food and Drug Administration

[21 CFR Parts 172, 182, 184, 186]

[Docket No. 78N-0174]

FORMIC ACID, SODIUM FORMATE, AND ETHYL FORMATE

Proposed Affirmation of GRAS Status as Direct and Indirect Human Food Ingredients

AGENCY: Food and Drug Administration.

ACTION: Proposed Rule.

SUMMARY: The agency proposes to affirm the generally recognized as safe (GRAS) status of ethyl formate as a direct human food ingredient and of formic acid and its sodium salt as indirect human food ingredients. The safety of these ingredients has been evaluated under the agency's comprehensive safety review. The proposal would list ethyl formate as a direct food substance affirmed as GRAS and formic acid and its sodium salt as indirect food substances affirmed as GRAS.

DATE: Comments by May 29, 1979.

ADDRESS: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: A comprehensive safety review of human food ingredients classified either generally recognized as safe (GRAS) or subject to a prior sanction is being conducted by the Food and Drug Administration. The Commissioner of Food and Drugs has issued several notices and proposals (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20035-20057)) initiating this review. Under this review, the safety of formic acid, sodium formate, and ethyl formate has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of these ingredients.

Formic acid (CH_2O_2, CAS Reg. No. 64-18-6), also called methanoic acid or hydrogen carboxylic acid, is a color-

less, highly corrosive, fuming liquid with a sharp, penetrating odor. It occurs naturally in the poison of ants, wasps, bees, and other insects and is contained in the free acid state in a number of plants. It is also present in honey, coffee, rums, wines, mineral water, milk, and cheese. Under a regulation published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421), formic acid is listed in § 182.90 (21 CFR 182.90) as a generally recognized safe (GRAS) substance migrating to food from paper and paperboard products used in food packaging. It is regulated also under § 172.515 (21 CFR 172.515) as a synthetic flavoring substance and adjuvant.

Sodium formate ($CHNaO_2$, CAS Reg. No. 141-53-7) is a white, deliquescent solid with a slight formic acid odor. Under the June, 1961 regulation, sodium formate, the sodium salt of formic acid, is listed in § 182.90 (21 CFR 182.90) as a GRAS substance migrating to food from paper and paperboard products used in food packaging. It is regulated also under § 175.105 (21 CFR 175.105) as a component of adhesives intended for use in packaging, transporting, or holding food.

Ethyl formate ($C_3H_6O_2$, CAS Reg. No. 109-94-4), also known as ethyl methanoate, is an ester of formic acid. It is a colorless, unstable liquid with a peachlike odor and slightly bitter taste. Ethyl formate is found naturally in a variety of plant oils, fruits, and juices and is also present in honey, wines, and distilled liquors. It does not occur naturally in the animal kingdom. Under a regulation published in the FEDERAL REGISTER of November 20, 1959 (24 FR 9368), ethyl formate is listed in § 182.1295 (21 CFR 182.1295) as a multiple purpose GRAS food substance when used up to 0.0015 percent as a fumigant for cashew nuts. It is regulated also in § 172.515 (21 CFR 172.515) as a synthetic flavoring substance and adjuvant and may be used safely in or on specified dried fruits in accordance with § 193.210 (21 CFR 193.210).

The agency surveyed a representative cross-section of food manufacturers to determine the specific foods in which formic acid, sodium formate, and ethyl formate were used and the levels of usage, and it combined information from surveys of consumer consumption with manufacturing information to estimate consumer exposure to these substances. The total amounts of these ingredients used by the U.S. food industry in 1970 were 213 pounds of formic acid and 48,000 pounds of ethyl formate. No food use data were reported for sodium formate.

Formic acid, sodium formate, and ethyl formate have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 524 abstracts on formic acid and its derivatives was reviewed and 82 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee) established by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Formic acid, ethyl formate, and sodium formate are absorbed from the gastrointestinal tract of man and dogs. Formic acid and ethyl formate are absorbed through the respiratory tract of man, rats, guinea pigs, cats and rabbits. Formic acid is absorbed through the intact skin and from the urinary bladder of the dog. However, the data reported by Smyth *et al.* would suggest that little, if any, formic acid is absorbed through the skin of rabbits. A human subject receiving 4.44 grams of formic acid orally (about 6.3 mg per kg [corrected to 63 mg per kg]) had a blood level, expressed as sodium formate, of 11.8 mg per dl 10 minutes following ingestion.

In a review of work on the toxicity of formic acid and its esters, von Oettigen states that in the intact animal, formic acid is oxidized to carbon dioxide and water. The extent of this oxidation may be influenced by dose (small doses, 100 mg per kg, are completely oxidized; larger doses, 20 g per kg, are partly excreted unchanged), period of oral administration, amount and nature of intestinal contents, the concentration of solution used, the rate of intravenous injection and species of animal.

The biological half-life of formic acid in various species has been reported by Malorny, as shown [below].

Biological Half-life or Formic Acid in Various Species

Species	Route of administration	Biological half-life (minutes)
Rat	oral	12
Guinea pig	i.v	22
Rabbit	i.v	32
Cat	i.v	67
Dog	oral	77
Man	oral	45-46

Vitamin E deficiency results in altered patterns of biotransformation and distribution after injection of labeled sodium formate. Various workers have reported that in animals and humans folic acid, and vitamin B_{12} deficiency result in an increase in the excretion of unchanged formic acid. Malorny found that addition of folic acid results in an acceleration of formic acid oxidation. Oro and Rappoport reported that the oxidation of formic acid to carbon dioxide and water involves a catalase-hydrogen peroxide complex with no dehydrogenases. The enzymes responsible for the formation of hydrogen peroxide include xanthine oxidase, uricase, monoamine oxidase and D-amino acid oxidase. Palese and Tephly conclude that formate is oxidized normally in rats through the one-carbon pool, but in folate deficiency, the catalase-peroxidative system serves as an alternative pathway. There are several reports that oxidation of formic acid occurs in the liver, intestinal mucosa, spleen, kidneys, lungs, and erythrocytes.

Sperling *et al.* injected ^{14}C-labeled sodium formate intraperitoneally into large (400-537 g) Osborne-Mendel albino rats. Eighty percent of the injected dose (0.07 to 0.10 millicurie) was excreted and the formate was distributed in all body tissues. The highest concentration of ^{14}C sodium formate was found in fat from testes, lungs, spleen, heart, and kidneys; and the lowest concentrations in depot fat and spinal cord. The greatest amounts of ^{14}C formate were found in tissue proteins in the stomach, spleen, kidneys, testes, and liver.

Rabbits have been found to metabolize formic acid parenterally administered almost quantitatively; alkalosis causes the urinary excretion of greater amounts of formic acid. In the dog, Lund reported that orally administered sodium formate is oxidized almost completely, and that unchanged sodium formate is absorbed through the bladder wall. Von Oettigen and Malorny have reported that formic acid ingested orally as sodium formate is oxidized by humans. Gley and Courtois stated that formic acid is a normal constituent of human urine, and that 13 to 120 mg are excreted per day.

According to reports by Annison and White, and Gley and Courtois, the role of formic acid in intermediary metabolism is well established. It is a precursor of serine, methionine, cysteine, and purines, and it is incorporated into RNA, DNA, proteins (including milk proteins), lipids, and carbohydrates.

Formic acid has been reported to inhibit lysozyme, ribonuclease, trypsin, and catalase (resulting in methemoglobinemia). Gastrointestinal activity is stimulated by formic acid. The central nervous system appears to be sensitive to the action of formate. Whereas low doses (0.46 g to 1.25 g per kg) intravenously in the rabbit may cause depression of the central nervous system, larger doses (ca. 4 g per kg) may cause convulsions, then death. In myocardial tissue, the nature and magnitude of the response have been reported to be a function of the dose; low doses may stimulate and larger doses depress the myocardial contraction rate and amplitude. Formic acid is more toxic than formaldehyde or methanol to the myocardium. Intravenously administered formic acid causes vasoconstriction and an increase in blood pressure (except at high doses); and sodium formate elicits vasodilatation. In addition, formic acid exerts a diuretic effect, but large doses are nephrotoxic; rabbits were the most sensitive of all species studied.

Malorny in studies with the cat reported that folic acid antagonists inhibit the oxidation of formic acid, resulting in the excre-

tion of large amounts of unchanged formic acid.

A summary of the available acute toxicity data on formic acid, ethyl formate, and sodium formate is presented in [Table below]. Sporn *et al.* have reported that the toxicity of formic acid by intraperitoneal injection in mice is less than that of salicylic or boric acid, but greater than benzoic acid. Amdur exposed guinea pigs (7 to 16 per group) to formic acid vapors (0.34 to 42.5 ppm) alone and with sodium chloride aerosol for one hour. She concluded that formic acid is a more potent respiratory irritant than formaldehyde. Lund found that two rabbits (3.15 and 3.30 kg) tolerated subcutaneous doses of 317 and 303 mg per kg without adverse effects. In other work Lund reported that a male dog tolerated a single subcutaneous dose of 200 mg per kg, and that another dog tolerated 100 mg per kg injected into the bladder without adverse effects.

Sheep were reported by Neumark to tolerate formic acid at a level of 150 mg per kg administered orally without adverse effects. He also reported that formic acid caused anorexia in sheep because of a local irritant effect on the nerve endings in the gastric mucosa.

Human intoxication due to formic acid was reviewed by Karunakaran and Pillai, and von Oettingen. The signs and symptoms for intentional or accidental overdoses (about 50 g or more) include salivation, vomiting, burning sensation in the mouth and pharynx, bloody vomitus, diarrhea, severe pain, rapid and soft and then slow pulse and cold and clammy skin, blood pressure drop and shock, respiratory distress and cyanosis, albuminuria, hematuria, and anuria. Death may be the result of uremia, circulatory failure, or pneumonia. The ingestion of massive quantities of formic acid may lead to such pathological changes as swollen and necrotic areas of the tongue, palate, pharynx, esophagus, larynx, trachea, stomach and intestine; hyperemic and hemorrhagic kidneys, as well as hemosiderin deposits in the liver.

Smythe *et al.* reported that rabbits tolerated 20 mg of ethyl formate per kg body weight applied to the skin under an impervious film girdle; however, ethyl formate produced a severe corneal burn in the eye of the rabbits. It was nontoxic when applied topically to the skin. Rabbits and guinea pigs, when exposed to atmospheres containing up to 130 mg per liter of ethyl formate, exhibited depression of central nervous system activity and pneumonia. The intravenous administration of ethyl formate to rabbits elicited conflicting results, i.e., 28 mg per kg administered as the undiluted ester caused an increase in respiration but no effects on the central nervous system, while 250 mg per kg administered as a 5 percent solution did not elicit any adverse effect.

ACUTE TOXICITY

Substance	Animal	Route	Dosage, mg/kg body wt	Measurement
Formic acid	Mice	p.o	1,100	LD_{50}
	Mice	i.p	145	LD_{50}
	Mice	i.v	940	LD_{50}
	Rats	p.o	1,830	LD_{50}
	Rabbits	p.o	4,000+	MLD
	Rabbits	i.v	239	MLD
Ethyl formate	Rats	p.o	1,850	LD_{50}
	Guinea pigs	p.o	1,110	LD_{50}
Sodium formate	Mice	p.o	11,200	LD_{50}
	Mice	i.v	807	LD_{50}
	Dogs	p.o	4,000	MLD
	Dogs	i.v	3,000	MLD
	Man	p.o	1,000	MLD

In work by Sporn *et al.*, young white rats (about 40 g body weight, 8 per group) received formic acid in their diet at levels of 0.5 percent or 1.0 percent (2.5 g per kg per day) and two levels of casein (11.8 percent and 18.2 percent) for five to six weeks. Controls received an 18.2 percent casein ration. Formic acid at both levels appeared to cause a lower weight gain. Similar results were obtained when formic acid was added to the drinking water at levels of 0.5 percent or 1.0 percent for six weeks. In both series, treated animals showed smaller weight livers, kidneys, adrenals (except for 1 percent in the diet), and spleens (except both 1 percent dietary and drinking water levels). Sollmann fed rats (six per group) the following levels of formic acid in their drinking water: 8.2, 10.25, 90, 160, 360 mg per kg body weight daily. The exposure period was 2 to 27 weeks. Food consumption and growth were inhibited by formic acid at the highest level; but no adverse effects were seen with the lower doses. There were no fatalities reported.

Hagan *et al.* fed Osborne-Mendel rats (10 males, 10 females per level) diets containing ethyl formate at levels of 1,000, 2,500, and 10,000 ppm (100, 250, and 1,000 mg per kg per day) for 17 weeks. No observable adverse effects were reported.

Male and female Wistar rats were given 150 to 200 mg per kg body weight of calcium formate daily in drinking water (at level of 0.2 percent) for their life span. No deaths or toxic signs attributable to calcium formate were noted through five successive generations. There were no effects on fertility, pregnancy, or fetal development. Doubling the level in water to 0.45 percent for two years did not produce adverse effects. Malorny exposed Wistar rats to sodium formate (1 percent in drinking water equal to 730 mg per kg body weight) for one and a half years. No adverse effects were reported.

The daily oral administration of 0.5 g of formic acid (about 8 mg per kg) to men by Lebbin [cited in Sollmann], for four weeks failed to produce any adverse effect.

Von Oettigen noted that formic acid, at concentrations as low as 32 mg per liter of air, is corrosive to skin and mucous membranes.

Although Freese *et al.* reported that formic acid (at levels of 0.046 and 0.46 percent) did not inactivate or mutate transforming DNA at a significant rate, Demerec *et al.* reported formic acid (at concentrations of from 0.005 to 0.007 percent) to be moderately mutagenic in *Escherichia coli*, and Stumm-Tegethoff reported it to be mutagenic for *Drosophila* germ cells. However, ethyl formate was found to exhibit no mutagenic activity in *in vitro* plate and suspension tests with *Saccharomyces cerevisiae*, D4, and *Salmonella typhimurium* TA-1535, TA-1537, and TA-1538 at concentrations up to 5 percent, with or without activation by mouse, rat, or monkey liver homogenates. The Select Committee is not aware of any mutagenic studies on formic acid, sodium formate, or ethyl formate in mammals.

Malorny reported that the injection of sodium formate into chicken eggs (5, 10, 20 mg per egg) did not produce malformations. The Select Committee is not aware of other teratogenicity studies.

Frei and Stephens observed no significant histologic changes when formic acid, at a concentration of 8 percent in water, was painted twice each week on the ears of Swiss mice which were examined on days 2, 5, 10, 20 and 50 after treatment. The Select Committee is not aware of studies of carcinogenesis involving oral administration of formic acid, sodium formate, or ethyl formate.

Qualified scientists of the Select Committee have carefully evaluated all available safety information on formic acid, sodium formate, and ethyl formate. It is the opinion of the Select Committee that:

Formic acid is a natural constituent of many foods. It is a metabolite in normal intermediary metabolism, and is a precursor in the biosynthesis of several body constituents. The tolerance of the body to large amounts is relatively high. For example, 160 mg of formic acid per kg of body weight orally was tolerated by rats; men reportedly tolerated 8 mg of formic acid per kg per day orally for a period of four weeks; and no adverse effects were reported in rats that received 730 mg of sodium formate per kg in their diet for one and a half years. Average daily intake of ethyl formate and formic acid is about 1 mg per kg or less as formic acid. Although formic acid appears to be moderately mutagenic in *E. coli* and *Drosophila*, ethyl formate is not mutagenic toward strain D4 of *Saccharomyces cerevisiae* or to three strains of *Salmonella typhimurium*. No adverse effects attributable to formate were found in five successive generations of rats given up to 200 mg of calcium formate per kg of body weight daily.

The Select Committee concludes that no evidence in the available information on formic acid and sodium formate demonstrates or suggests reasonable grounds to suspect a hazard to the public when those substances are used as ingredients of paper and paperboard food-packaging materials, or as they might reasonably be expected

to be used for such purposes in the future. Furthermore, no evidence in the available information on ethyl formate demonstrates or suggests reasonable grounds to suspect a hazard to the public when that substance is used at levels now current and in the manner now practiced or that might reasonably be expected in the future. Based upon his own evaluation of all available information on formic acid, sodium formate, and ethyl formate, the Commissioneer agrees with these conclusions and, therefore, believes no change in the current GRAS status of these ingredients is justified.

The Commissioner also finds that the information generated for this safety review forms a sound scientific basis for affirming that ethyl formate is GRAS as a synthetic flavoring agent and adjuvant. This use is now regulated by § 172.515. The Commissioner therefore proposes to delete the entry for ethyl formate from that section and to affirm it as GRAS for direct food use.

Formic acid also is regulated in § 172.515 for use as a synthetic flavoring substance and adjuvant. However, evidence in the literature suggests that formic acid is mutagenic for some organisms. Because of its possible mutagenicity, the Commissioner concludes that there is insufficient data to affirm formic acid as GRAS and that additional studies are needed to resolve its potential mutagenicity in mammals. However, because only small amounts (213 pounds in 1970) of formic acid are added to food and because it is often added at levels that are less than those occurring naturally in foods, the Commissioner believes the requirement for additional data may be deferred until the agency's present flavor review program further evaluates the ingredient as a flavor.

Copies of the scientific literature review on formic acid and derivatives, a mutagenic evaluation of ethyl formate, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Formic acid and derivatives (scientific literature review)	PB-228-558/AS	A05	$6.00
Ethyl formate (mutagenic evaluation, Tier I)	PB-2660-890/AS	A03	4.50
Formic acid, sodium formate and ethyl formate (Select Committee report).	PB-266-282/AS	A03	4.50

[1] Price subject to change.

This proposed action does not affect the present use of formic acid, sodium formate, and ethyl formate for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(a), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Parts 172, 182, 184, and 186 be amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.515 [Amended]

1. In § 172.515 *Synethetic substances and adjuvants* by deleting the entry for "Ethyl formate."

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

2. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting the entry for "Formic acid or sodium salt."

§ 182.1295 [Deleted]

3. By deleting § 182.1295 *Ethyl formate.*

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. By adding new § 184.1295 to read as follows:

§ 184.1295 Ethyl formate.

(a) Ethyl formate ($C_3H_6O_2$, CAS Reg. No. 109-94-4) is also referred to as ethyl methanoate. It is an easter of formic acid and is prepared by esterification of formic acid with ethyl alcohol or by distillation of ethyl acetate and formic acid in the presence of concentrated sulfuric acid. Ethyl formate occurs naturally in some plant oils, fruits, and juices but does not occur naturally in the animal kingdom.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) The ingredient is used as a flavoring agent and adjuvant as defined in § 170.3(o)(12) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level, as served, of 0.05 percent in baked goods as defined in § 170.3(n)(1) of this chapter; 0.04 percent in chewing gum as defined in § 170.3(n)(6), hard candy as defined in § 170.3(n)(25), and soft candy as defined in § 170.3(n)(38) of this chapter; 0.02 percent in frozen dairy desserts as defined in § 170.3(n)(20) of this chapter; 0.03 percent in gelatins, puddings, and fillings as defined in § 170.3(n)(22) of this chapter; and 0.01 percent in all other food categories.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

5. By adding new §§ 186.1316 and 186.1756 to read as follows:

§ 186.1316 Formic acid.

(a) Formic acid (CH_2O_2, CAS Reg. No. 64-18-6) is also referred to as methanoic acid or hydrogen carboxylic acid. It occurs naturally in some insects and is contained in the free acid state in a number of plants. Formic acid is prepared by the reaction of sodium formate with sulfuric acid and is isolated by distillation.

(b) Formic acid meets the specifications of the Food Chemicals Codex, 2d Ed. (1972),[1] which is incorporated by reference.

(c) Formic acid is used as a constituent of paper and paperboard used for food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

§ 186.1756 Sodium formate.

(a) Sodium formate ($CHNaO_2$, CAS Reg. No. 141-53-7) is the sodium salt of formic acid. It is produced by the reaction of carbon monoxide with sodium hydroxide.

(b) Sodium formate meets the following specifications:

Total heavy metals, not more than 10 parts per million on a dry weight basis when determined by Food Chemicals Codex (FCC) test (p. 920) as modified by the first supplement to FCC (1974),[1] both of which are incorporated by reference.

Arsenic, not more than 3 parts per million on a dry weight basis when determined by FCC test (p. 865) as modified by the second

[1] Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, DC 20037.

supplement to FCC (1975),[1] which is incorporated by reference.

Mercury, not more than 1 part per million on a dry weight basis when determined by FCC test (p. 934),[1] which is incorporated by reference.

Assay, not less than 85 percent when determined by the following test (American Chemical Society Specifications test, p. 570 of "Reagent Chemicals," 5th ed. (1974)): Weigh accurately about 1 g, transfer to a 200-ml volumetric flask, dissolve with 50 ml of water, dilute with water to volume, and mix thoroughly. To 25.0 ml of this solution in a 250-ml glass-stoppered flask, add 3 ml of 10% sodium hydroxide reagent solution and 75.0 ml of 0.1*N* potassium permanganate. Heat on the steam bath for 20 minutes, cool, and add 5 ml of hydrochloric acid and 4 g of potassium iodide crystals. Titrate the liberated iodine, representing the excess permanganate, with 0.1*N* sodium thiosulfate, using 5 ml of starch indicator solution. Run a blank with the same quantities of permanganate and other reagents and in the same manner as the test with the sample. One milliliter of 0.1*N* potassium permanganate consumed corresponds to 0.003401 g of HCOONa.

(c) The ingredient is used as a constituent of paper and paperboard used for food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of these ingredients in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act (21 U.S.C. 342), and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before May 29, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: March 21, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

NOTE.—Incorporations by reference were approved by the Director of the Office of the Federal Register on July 10, 1973 and July 20 and 27, 1977 and are on file in the Federal Register Library.

[FR Doc. 79-9171 Filed 3-26-79; 8:45 am]

[4110-03-M]

[21 CFR Parts 182, 184, and 186]

[Docket No. 78-0198]

DEXTRIN

Affirmation of GRAS Status as a Direct and Indirect Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm dextrin as generally recognized as safe (GRAS) as a direct and indirect human food ingredient. The safety of this ingredient has been evaluated under a comprehensive safety review being conducted by the agency. The proposal would list the ingredient as a direct and indirect food substance affirmed as GRAS.

DATE: Comments by May 29, 1979.

ADDRESSES: Written comments to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, DC 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration is conducting a comprehensive safety review of direct and indirect human food ingredients classified as generally recognized as safe (GRAS) or subject to a prior sanction. The Commissioner of Food and Drugs has issued several notices and proposal (see the FEDERAL REGISTER of July 26, 1973 (38 FR 20040)) initiating this review. Under this review, the safety of dextrin has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of this ingredient.

Dextrins are incompletely hydrolyzed starches prepared by dry heating unmodified starch with or without an acid or alkali catalyst. They are glucans containing primarily −1, 4-glucosidic linkages present, depending on the source of the starch and the method of preparation. In the United States, dextrins are prepared primarily from corn starch, although dextrins (primarily imported dextrins) are also prepared from waxy maize, waxy milo, potato, arrowroot, wheat, rice, tapioca, or sago starch. Catalysts used include hydrochloric or sulfuric acid, ammonia, sodium bicarbonate, or sodium carbonate. The dextrins produced are generally termed white dextrins, yellow or canary dextrins, and British gums. An acid catalyst (usually hydrochloric acid) is used in the production of white or yellow dextrins; no catalyst or an alkaline catalyst is used in the production of British gums.

In previous opinion letters, FDA has considered dextrin GRAS as a direct human food ingredient when used in accordance with good commercial practice. Under regulations published in the FEDERAL REGISTER of June 17, 1961 (26 FR 5421), § 182.90 (21 CFR 182.90) lists dextrin as a GRAS substance that may migrate to food from paper and paperboard products used in food packaging. Section 182.70 (21 CFR 182.70) lists corn dextrin as a GRAS substance that may migrate to food from cotton and cotton fabrics used in dry food packaging, according to regulations published in the FEDERAL REGISTER of June 10, 1961 (26 FR 5224). A previous opinion letter of FDA considered potato dextrin GRAS as a component of adhesives for food packaging. Food standards also provide for the mixture of dextrin with other optional ingredients in frozen desserts (see § 135.20(e)(2) (21 CFR 135.20(e)(2))) and the addition of dextrinized starches to bakery products (see § 136.110(c)(11) 921 CFR 136.110(c)(11)).

A representative cross-section of food manufacturers was surveyed to identify the specific foods that use dextrin and corn dextrin and to determine the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to estimate consumer exposure to dextrins. The agency found that the major reported nonfood uses for dextrins are as an adhesive in paper products and as a sizing and printing paste component for textiles that include food packaging applications. In 1971, 183

million pounds of dextrins were produced and imported, and in 1972, 150 million pounds of dextrins were reportedly sold for industrial nonfood applications. Assuming that 150 million pounds were also used for nonfood applications in 1971, about 30 million pounds were then available for direct food uses. No information is available on the quantity of dextrins used in the manufacture of food packaging materials or the fraction which enters food by migration from these materials. The agency estimates that the quantity of dextrins entering the diet from this source is only a fraction of that from direct food uses.

Dextrins have been the subject of a search of the scientific literature from 1920 to the present. The criteria used in the search were chosen to discover any articles that considered (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity, (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 305 abstracts on dextrin and corn dextrin was reviewed and 47 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (the Select Committee), appointed by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Booher *et al.* determined the weight gain and digestibility in rats of wheat and potato starch dextrins and their parent starches. The starches were dextrinized by heating thin layers of dry starch in a rotary shelf oven at 191° C for 95 minutes which resulted in the loss, or very rapid fading, of blue coloration on addition of iodine. These products could be considered as low conversion British gums because no catalyst was used. A dextrin similary to a commercial white dextrin was prepared by autoclaving wheat starch moistened with 0.1 percent citric acid for 6 hours at 15 pounds steam pressure (120° C). Using matched feeding techniques the dextrins and their parent starches were fed at a level of 63.7 percent (approximately 60 g per kilogram body weight) in a diet containing 18.8 percent casein to weanling male rats, initial weight 45 to 60 g, for 21 to 28 days. Digestibility and assimilability of the wheat starch "British gum" were not significantly different from those of untreated wheat starch whereas the digestibility of the wheat starch "white dextrin" was somewhat lower. The "British gum" prepared from potato starch gave a higher body weight gain and digestibility coefficient than the parent starch; this was attributed to disruption of the starch granule structure by the dextrinization process making the granule less resistant to enzymatic attack.

Reussner *et al.* compared protein efficiency values and rat growth data obtained from feeding a series of starches, modified starches, disaccharides and monosaccharides to groups of 10 male Wistar rats, (50 to 55 g) in diets at two levels of protein and carbohydrate. The diets contained 6 and 15 percent protein from casein and 77 and 66 percent carbohydrate (approximately 75 and 65 g carbohydrate per kg body weight), respectively. The diets also contained 10 percent corn oil and vitamin and mineral supplements. The corn dextrin fed was a commercial product "prepared from corn starch which was heated in the presence of mineral acid" and thus was probably a white or canary dextrin. After 28 days protein efficiency and weight gain per gram of dry food were significantly lower for corn dextrin than for corn starch but were greater or equal to values for dextrose. The corn dextrin diets caused a slight diarrhea and also enlarged ceca to about twice the weight of those in rats fed unmodified corn starch. Corn dextrin diets caused no untoward effects on liver wright or liver fat content.

Harper *et al.* investigated the influence of various carbohydrates including dextrins on the utilization of protein and liver fat deposition. Sprague-Dawley rats, initial weight 40 to 50 g, were fed for periods of 2 to 12 weeks diets containing 81.6 percent carbohydrate, 9 percent casein, 5 percent corn oil and vitamin and mineral supplements. Two dextrins were fed: Dextrin A was a laboratory product prepared by heating dry corn starch in an oven at 145° C for 10 hours; dextrin M was described only as a commercial product. Both gave red-violet colors with iodine indicating the presence of short- or branched-chain molecules. Rates of gain with dextrin A and dextrin M (approximately 80 g dextrin per kg body weight) over a four-week period were about 15 percent less than that for autoclaved corn starch. The latter rate was about double that when the carbohydrate source was glucose or sucrose. The authors attributed the greater growth response for the dextrins and autoclaved starch to concurrent absorption of carbohydrate and amino acids over a longer period of time and to possible differences in interstinal flora. Liver fat deposition was less for dextrin M, corn starch or glucose than for sucrose as the carbohydrate source. Values were not reported for dextrin A.

Hundley used Sprague-Dawley and Osborne-Mendel weanling rats, weighing 40 to 50 g, in a study of the influence of starch, dextrin, and other carbohydrates on the niacin requirement of the rat. Diets consisted of 81 percent carbohydrate (about 80 g per kg body weight), 9 percent casein, 3 percent gelatin, 3 percent corn oil, 0.15 percent L-cystine and supplemental minerals and vitamins. The dextrin was described as a white dextrin, National Formulary V (Merck). Weight gain for a four-week period with niacin supplementation was the same for dextrin, starch and glucose as carbohydrate sources; without niacin, growth rate fell about 40 percent for starch and dextrin diets as compared to 60 percent for glucose as the carbohydrate source, indicating a lesser niacin requirement on the starch and dextrin diets.

Cohen *et al.* reported physiologic effects of different dietary carbohydrates fed to male Sprague-Dawley rats for 18 months, beginning at 2 months of age. Diets consisted of a rat chow (basal diet—57 percent carbohydrate, 23 percent protein, 5 percent fat) mixed with 20 percent by weight of the various carbohydrates (approximately 10 g experimental carbohydrate per kg body weight) including a dextrin, sucrose and cerelose (dextrose). The dextrin was described only as a commercial product prepared from corn starch by roasting in the presence of HCl. Protein efficiency ratios after 6 months feeding were approximately equal for the dextrin, cerelose and sucrose diets and significantly higher than that for the rat chow diet; weight gain at 20 months was about 5 percent less for dextrin than for cerelose or sucrose but about 5 percent more than on the basal rat chow. Compared to the basal diet the testicle/body weight ratio was greater for rats on the dextrin diet and less on the other carbohydrate diets; liver/body weight ratios did not differ. The toxicological significance of the observation on testicle weight is not apparent.

Several diets which differed only in the carbohydrate source were used by Guerrant *et al.* to study the effect of type of carbohydrate on the synthesis of B-vitamins in the digestive tracts of rats. Diets contained 18 percent casein, 71 percent carbohydrate, 3 percent butterfat, cod liver oil and salt mixture. Carbohydrates included corn starch, dextrinized corn starch, glucose, lactose and sucrose. The dextrin was prepared by moistening starch with a 0.1 percent solution of citric acid, autoclaving for 4 hours at 15 pounds pressure (120°C), drying and pulverizing. Rats were placed on experimental diets at 21 days of age. Animals on all diets with access to their feces, but without supplemental B-vitamins, showed low or declining growth rates after two weeks except for the group fed the dextrin diet. Growth rates were increased in all groups after receiving feces of the dextrin-fed group. Rats fed the dextrin diet had enlarged ceca. Cecectomized rats with access to their feces lost weight when fed a dextrin diet; supplementation with Baker's yeast resulted in weight gain. The authors concluded that the peculiar property of dextrinized corn starch was not due to retained B-vitamins, but rather to the formation of these vitamins in the lower part of the digestive tract of the rat as a result of incomplete digestion of this particular carbohydrate.

Fournier investigated the effect of starch, dextrin, caramel, and glucose in the diet of rats on calcium retention, serum calcium levels and cecal size. The dextrin was prepared by heating corn starch in an oven at 190°C for 5 hours. The ochre powder obtained was only slightly soluble in water and yielded 2 percent maltose in a pancreatin test as compared to a 20 percent yield from corn starch. Wistar rats, weighing 62 to 74 g, were fed a low calcium diet (50 mg Ca per 100 g diet) for 18 days after which groups of six rats were placed on diets containing 15 percent casein, 1.5 percent calcium carbonate and 45.5 to 70.5 percent experimental carbohydrate supplemented with cereal grain to bring total carbohydrate to about 70 percent. Estimated intakes per kg body weight are 70 g starch, 46 g dextrin, 59 g glucose and 59 g caramel. Calcium balance was determined during the 3rd to 5th days; after 10 days the rats were sacrificed and serum calcium determined. Observations on cecal enlargement were made after feeding for 2 weeks a diet containing 73.5 percent carbohydrate, 12 percent casein, 8 percent

peanut oil, 3 percent salt mixture and 0.5 percent TiO_2.

Calcium intake was nearly the same for all diets but calcium retention for the dextrin and caramel diets was about double that for the starch and glucose diets; serum calcium levels also were greater for the dextrin and caramel diets. Dry cecal weights of rats fed dextrin and caramel were double or more those fed the starch and glucose diets. The author suggested that dextrin and caramel were less easily metabolized than their parent substances, starch and glucose, respectively, and that this property was related to the effects observed.

No reports were found on the allergenicity, carcinogenicity, teratogenicity, mutagenicity, or fetotoxicity of dextrins.

The Joint FAO/WHO Expert Committee on Food Additives regarded the white and yellow dextrins as intermediates of normal digestion of starch and as normal constituents of foods. The Committee commented that because of the nature of the applications of the white dextrins as well their flavor, their use in food is restricted; also that the yellow dextrins are used in foods in limited quanities as adjuvants in flavor encapsulation and similar minor uses. The Committee recommended no limitation on the use of these dextrins except for good manufacturing practice.

Qualified scientists of the Select Committee have carefully evaluated all available safety information on dextrin and corn dextrin. The Select Committee finds that:

The dextrins covered by this report are those produced by the dry heating of unmodified starch under the range of conditions specified in the body of the report as representative of commercial practice for this class of products. Included are the white dextrins, yellow or canary dextrins and the British gums. The dextrins are similar to their parent starches in that they are composed principally of α-D-anhydroglucose units joined through 1,4-linkages; they differ in that dextrinization reduces the molecular weight and, particularly in the case of the yellow or canary dextrins and the British gums, increases branching in the molecules. Dextrinization slightly reduces the digestibility of corn and wheat starch, probably attributable to the more highly branched structure of the dextrins.

Animal feeding studies have shown dextrins to be digested and metabolized to a limited degree without toxic effects when fed at levels many times greater than those present from use of these products as a direct food additive, or at levels that are orders of magitude greater than might occur by migration from food packaging materials containing dextrins.

The Select Committee concludes that no evidence in the available information on dextrin and corn dextrin demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when those substances are used at levels that are now current or that might be reasonably expected in the future. Based upon his own evaluation of all available information on dextrin and corn dextrin, the Commissioner agrees with this conclusion, and, therefore, concludes that no change in the current GRAS status of dextrin and corn dextrin is justified. Furthermore, he believes that the information developed for this safety review forms a sound scientific basis for not making a distinction between dextrins derived from the starches of corn, waxy maize, waxy milo, potato, arrowroot, wheat, rice, tapioca, or sago. Dry heating of these starches, or of these starches after optional acid (hydrochloric or sulfuric acid) or alkali (ammonia, sodium carbonate, or sodium bicarbonate) treatment, produces products which have only slight structural differences. The product is composed primarily of polysaccharides with minor amounts of mono- and oligosaccharides and has a typical dextrose equivalent of five or less. Dextrins produced as described above do not raise significant questions of safety. Consequently, the Commissioner is proposing to adopt the name dextrin for these incompletely hydrolyzed starches.

The Commissioner is not proposing to affirm the GRAS status of potato dextrin used as a component of adhesives for food packaging because, as a GRAS substance, potato dextrin is already approved for use as a component of adhesives for food packaging under 21 CFR 175.105(c)(1).

Copies of the scientific literature review on dextrin and corn dextrin and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, as follows:

Title	Order No.	Price code	Price [1]
Dextrin and corn dextrin (Scientific literature review)	PB-228-539/AS	A04	5.25
Dextrin and corn dextrin (Select Committee report)	PB-254-538/AS	A02	4.00

[1] Price subject to change.

This proposed action does not affect the present use of dextrins and corn dextrin for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Parts 182, 184, and 186 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.70 [Amended]

1. In § 182.70 *Substances migrating from cotton and cotton fabrics used in dry food packaging* by deleting the entry for "Corn dextrin."

§ 182.90 [Amended]

2. In § 182.90 *Substances migrating to food from paper and paperboard products* by deleting the entry for "Dextrin."

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 184.1277 to read as follows:

§ 184.1277 Dextrin.

(a) Dextrin, $((C_6H_{10}O_5)_n.xH_2O$, CAS Reg. No. 9004-53-9) is an incompletely hydrolyzed starch. It is prepared by dry heating corn, waxy maize, waxy milo, potato, arrowroot, wheat, rice, tapioca, or sago starches, or by dry heating the starches after (1) treatment with dilute hydrochloric acid, sulfuric acid, ammonia, sodium bicarbonate, or sodium carbonate and (2) drying the acid or alkali treated starch.

(b) The ingredient meets the following specifications:

(1) *Identification.*

Iodine test: Addition of iodine causes a solution of the sample to turn reddish brown.
Reducing sugar content: The reducing sugar content (dextrose equivalent) expressed as D-glucose, is not more than 5 percent, calculated on a dry basis.
Specific rotation: [α] 25° is not less than +150°.
Viscosity: The material is soluble in 3 parts of boiling water to yield a gummy solution.

(2) *Limits of impurities.*

Alcohol soluble material, not greater than 1 percent.
Chloride, not greater than 0.002 percent.
Loss on drying, not greater than 0.002 percent.
Residue on ignition, not greater than 0.5 percent.
Sulfate, not greater than 0.02 percent.
Water insoluble material, passes test.
Arsenic (as As), not greater than 3 parts per million.
Heavy metals (as Pb), not greater than 40 parts per million.
Crude fat, not greater than 0.15 percent.
Protein, not greater than 1 percent.

pH of dispersions, not less than 2.5 nor greater than 7.5.

(3) *Tests.*

Iodine test: Suspend about 1 gram of the sample in 20 milliliters of water and add a few drops of Iodine TS (Food Chemicals Codex 2d Ed. (1972),[1] page 991).

Reducing sugars: Follow directions for reducing sugars, under Dextrin in United States Pharmacopeia XIX (1975).[2]

Specific rotation: Food Chemicals Codex 2d Ed. (1972),[1] page 939. Determine in a solution containing 1.0 gram (calculated on the anhydrous basis) in each 10 milliliters of water.

Alcohol soluble material, chloride, loss on drying, residue on ignition, sulfate, and water insoluble material: Tests specified under *Dextrin*, United States Pharmacopeia XIX (1975),[2] p.732.

Arsenic, heavy metals, crude fat, protein, and pH of dispersion: Tests specified under Food Starch, Modified, Food Chemicals Codex 2d Ed. (1972),[1] p. 328.

(c) The ingredient is used as a formulation aid as deifined in § 170.3(o)(14) of this chapter, processing aid as defined in § 170.3(o)(24) of this chapter, stabilizer and thickener as defined in § 170.3(o)(28) of this chapter, and surface-finishing agent as defined in § 170.3(o)(30) of this chapter.

(d) The ingredient is used in food at levels not to exceed good manufacturing practice in accordance with § 184.1(b)(1). Current good manufacturing practice results in a maximum level of 0.7 percent for baked goods as defined in § 170.3(n)(1) of this chapter, 0.01 percent for nonalcoholic beverages, as defined in § 170.3(n)(3) of this chapter, 0.4 percent for chewing gum as defined in § 170.3(n)(6) of this chapter, 0.3 percent for confections and frostings as defined in § 170.3(n)(9) of this chapter, 2.0 percent for gravies as defined in § 170.3(n)(24) of this chapter, 0.2 percent for hard candies as defined in § 170.3(n)(25) of this chapter, 3.1 percent for nuts and nut products as defined in § 170.3(n)(32) of this chapter, 94.0 percent for sugar substitutes as defined in § 170.3(n)(42) of this chapter, and 0.1 percent or less for all other food categories.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. By adding § 186.1277 to read as follows:

§ 186.1277 Dextrin.

(a) Dextrin ($(C_6H_{10}O_5)_n.xH_2O$, CAS Reg. No. 9004-53-9) is an incompletely hydrolyzed starch. It is prepared by dry heating corn, waxy maize, waxy milo, potato, arrowroot, wheat, rice, tapioca, or sago starches, or by dry heating the starches after (1) treatment with dilute hydrochloric acid, sulfuric acid, ammonia, sodium bicarbonate or sodium carbonate and (2) drying the acid or alkali treated starch.

(b) The ingredient meets the specifications for dextrin as outlined in § 184.1277(b) of this chapter.

(c) The ingredient is used as a constituent of paper and paperboard used for food packaging, or of cotton and cotton fabrics used in dry food packaging.

(d) The ingredient is used at levels not to exceed good manufacturing practice in accordance with § 186.1(b)(1).

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in food under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under Part 181 (21 CFR Part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before May 29, 1979, submit to the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12044, the economic effects of this proposal have been carefully analyzed, and it has been determined that the proposed rulemaking does not involve major economic consequences as defined by that order.

Dated: March 20, 1979.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Regulatory Affairs.

NOTE:—Incorproation by reference was approved by the Director of the Office of the Federal Register on July 10, 1973 and is on file in the Federal Register Library.

[FR Doc. 79-9170 Filed 3-26-79; 8:45 am]

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[1] Copies may be obtained from: United States Pharmacopeial Convention, Inc., 12601 Twinbrook Parkway, Rockville, MD 20852.

[4210-01-M]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing, Federal Housing Commissioner

[24 CFR Parts 880, 881 and 883]

[Docket No. R-79-626]

SECURITY DEPOSIT PROVISIONS

Proposed Rulemaking

AGENCY: Department of Housing and Urban Development (HUD).

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the regulations for Section 8 New Construction, Substantial Rehabilitation, Housing Finance and Development Agencies and New Construction Set-Aside for Section 515 Rural Rental Housing (FmHA) Projects to: (1) to require Owners to collect security deposits equal to one month's Gross Family Contribution or $50, whichever is greater; (2) establish the requirement that security deposits be deposited in interest-bearing accounts; and (3) add provisions concerning the refunding of the security deposit.

DATES: June 25, 1979.

ADDRESSES: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S. W., Washington, D. C. 20410.

A copy of each communication will be available for public inspection during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Patricia Arnaudo, Deputy Director, Project Management Division, Office of Assisted Housing Management, Department of Housing and Urban Development, Room 6248, 451 Seventh Street, S.W., Washington, D. C. 20410, (202) 755-6460. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: HUD has carefully reviewed the present security deposit requirements and comments received concerning the No-

vember 3, 1977 publication of security deposit proposed rules (42 FR 57632). Since then, HUD has decided to consider other changes in the Section 8 security deposit policy. Because the proposed rules are significantly different from those published November 3, 1977, they are again being published for comment. These rules would amend the regulations for Section 8 New Construction, Substantial Rehabilitation, Housing Finance and Development Agencies and New Construction Set-Aside for Section 515 (FmHA) Rural Rental Housing Projects, Parts 880, 881, and 883, subparts A-D and G-H, respectively.

Summary of November 3, 1977 Proposed Rules

On November 3, 1977 proposed rules for security deposit provisions were published together with proposed rules for debt service vacancy payments. (Final rules for debt service vacancy payments were published separately.) This notice proposed an optional security deposit provision of one month's Gross Family Contribution or $50, whichever is greater. The purpose of this proposed change was to encourage greater Family responsibility for maintaining the Section 8 unit. The rules also proposed to permit an Owner who chooses not to collect a security deposit to qualify for reimbursement for unpaid rent or other amounts owed under the Lease consistent with State or local law in an amount not to exceed the difference between the Contract Rent and the greater of the initially determined Gross Family Contribution or $50.

Mandatory Security Deposit

The Department received six written comments in response to the proposed regulation published on November 3, 1977. Several comments on the proposed security deposit rules requested a mandatory rather than optional security deposit in an amount equal to the Gross Family Contribution or $50, whichever is greater, to insure Family responsibility for maintaining the unit. There also were comments suggesting that Owners be permitted to collect security deposits equivalent to those permitted under the conventional public housing programs which is up to one month's rent or such reasonable fixed amount as may be required by the PHA. Two comments objected to Owners being able to receive payments for damages when a deposit was not collected from the Family or when the amount of the damage was greater than the amount of the deposit collected.

A mandatory security deposit in an amount equal to the Gross Family Contribution or $50, whichever is greater, is not being proposed to ensure greater Family responsibility for maintaining the unit. A provision would be added to specify that the Owner could collect security deposits on an installment basis to minimize hardship on the family. The requirement for a mandatory security deposit is a clarification of the current policy which stipulates that owners are prohibited from receiving payments for unpaid rent or damages from HUD or the PHA if a security deposit in an amount equal to Gross Family Contribution (or now $50) has not been collected.

Interest-Bearing Accounts and Return of Deposits

There were several comments on the need to establish requirements for interest-bearing security deposit accounts and the return of interest to the Family. These comments also indicated that lower-income Families who move out need to receive their security deposit refunds as soon as possible to help defray moving expenses. In response to these comments, §§ 880.116, 881.116, 883.212 and 883.715 would be revised to require Owners to: (1) Deposit security deposits in interest-bearing accounts, and (2) return security deposits including interest to Families within 30 calendar days after receiving notification of the Families' forwarding address.

Two procedures have been added to protect the rights of the Family concerning the reimbursement of the security deposit. The first procedure requires the Owner to send the Family a list itemizing the unpaid rent, damages to the unit, and costs for repairs for which the security deposit may be used, as well as information on the Family's rights under State and local law. The other provision requires a meeting between the Owner and the Family to discuss any disagreements which may arise concerning the reimbursement of the security deposit.

HUD or PHA Reimbursement to Owner

In addition, due to the lack of uniform interpretation of the current regulations, §§ 880.116, 881.16, 883.212 and 883.715 would be revised to clarify the amount the Owner may collect from HUD or the PHA, as appropriate. We have specified that, if the security deposit collected is insufficient to reimburse the Owner for unpaid rent or other amount owed under the Lease for the period of occupancy, the Owner could claim an amount not to exceed the lesser of: (1) the amount owed the Owner, or (2) one month's Contract Rent minus the amount of security deposit. Any reimbursement would be applied first toward the unpaid Family Contribution which is the amount the Family owed under the terms of the Lease. However, the Owner would have the right, subject to State and local law, to collect any remaining unpaid rent or other amount due from the Family.

* * * * *

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of Rules Docket Clerk at the address set forth above.

Accordingly, 24 CFR Parts 880, 881 and 883 are proposed to be amended as follows:

Sections 880.116, 881.116, 883.212 and 883.715 *Security deposit,* are revised as follows:

§ 880.116, 881.116, 883.212, 883.715 Security deposit.

(a) At the time of the initial execution of the Lease, the Owner shall require each Family to pay a security deposit in an amount equal to one month's Gross Family Contribution or $50, whichever is greater. The Family is expected to pay security deposits from its resources and/or other public or private sources. The Owner may collect security deposits on an installment basis.

(b) The Owner shall place the security deposits in a segregated, interest-bearing account. The balance of this account shall at all times be equal to the total amount collected from the Families then in occupancy, plus any accrued interest. The Owner shall comply with any applicable State and local laws concerning interest payments on security deposits.

(c) In order to be considered for the return of the security deposit, a Family which vacates its unit shall provide the Owner with its forwarding address.

(d) The Owner, subject to State and local law and the requirements of this paragraph (d), may use the security deposit, plus any accrued interest, as reimbursement for any unpaid Family Contribution or other amount which the Family owes under the Lease. Within 30 days after receiving notification of the Family's forwarding address, the Owner shall:

1. Refund to a Family owing no rent or other amount under the Lease the full amount of the security deposit, plus accrued interest.

2. Provide to a Family owing rent or other amount under the Lease a list itemizing any unpaid rent, damages to the unit, and estimated costs for repair, along with a statement of the Family's rights under State and local law. If the amount which the Owner claims is owed by the Family is less

than the amount of the security deposit, plus accrued interest, the Owner shall refund the unused balance to the Family. If the Owner fails to provide the list, the family shall be entitled to the refund of the full amount of the security deposit plus accrued interest.

(e) In the event a disagreement arises concerning the reimbursement of the security deposit, the Family shall have the right to present objections to the Owner in an informal meeting. The Owner shall keep a record of any disagreements and meetings in a tenant file for inspection by HUD or the HFA in 883 A-D, as appropriate. The procedures of this paragraph (e) do not prclude the Family from exercising its rights under State and local law.

(f) If the security deposit, including any accrued interest, is insufficient to reimburse the Owner for the unpaid Family Contribution or other amount which the Family owes under the Lease, and the Owner has provided the Family with the list required by paragraph (c)(2), the Owner may claim reimbursement from HUD or the PHA, as appropriate, for an amount not to exceed the lesser of: (1) The amount owed the Owner, or (2) one month's Contract Rent, minus the amount of the security deposit plus accrued interest. Any reimbursement under this section shall be applied first toward any unpaid Family Contribution due under the Lease. No reimbursement shall be claimed for unpaid rent for the period after termination of the Lease.

AUTHORITY: Sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)); Sec. 5(b), United States Housing Act of 1937 (42 U.S.C. 1437c(b)).

Issued at Washington, D.C., November 6, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 79-9060 Filed 3-26-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 81]

[FRL 1082-3]

NATIONAL VISIBILITY GOAL FOR FEDERAL CLASS I AREAS

Correction

AGENCY: United States Environmental Protection Agency ("EPA").

ACTION: Correction.

SUMMARY: The following corrections should be made in EPA's February 12, 1979, proposed regulation Section *169 A (a)* (2) of the Clean Air Act, published at 43 FR 8909 regarding indentification of Mandatory Class I Federal Areas where visibility is an important value.

FOR FURTHER INFORMATION CONTACT:

Darryl D. Tyler, Chief, Standards Implementation Branch, Control Programs, Development Division, Office of Air Quality Planning and Standards, Environmental Protection Agency, Control Programs Development Division, (MD-15), Research Triangle Park, North Carolina, 27711.

CORRECTIONS

In FR Doc. 79-4558 make the following changes appearing on page 8909:

1. On page 8909 in the ADDRESS section of the preamble, the sentence beginning with "Comments received" should be corrected to read as follows:

"Comments received on this proposal will be available for public inspection and copying at the Environmental Protection Agency, Central Docket Section, Room 2903-B, Waterside Mall, 401 M Street, S.W., Washington, D.C."

Dated: March 21, 1979.

DAVID HAWKINS,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-9117 Filed 3-26-79; 8:45 am]

[3510-22-M]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 653]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Public Hearing Notice on amendments to the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic.

SUMMARY: The New England Fishery Management Council will hold a series of public hearings for the purpose of considering proposed amendments to the Fishery Management Plan for the Atlantic Herring Fishery of the Northwest Atlantic.

DATES: Public hearings will be held on April 9, April 10, and April 11, 1979.

ADDRESSES: The hearing locations and times are listed below in Supplementary Information.

FOR FURTHER INFORMATION CONTACT:

G. Paul Draheim, Deputy Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960 (617) 535-5450.

SUPPLEMENTARY INFORMATION: The purpose of the hearing will be to receive comments from the public on possible amendments to the plan. The amendments include, but need not be limited to, the following:

1. All herring three years of age and older taken from territorial waters of *all* states are to be deducted from the allocations.

2. That an optimum yield of 30,000 metric tons be established for 5Y (Gulf of Maine) and an optimum yield of 15,000 metric tons be established for 5Z and SA6 (Georges Bank and South) and that at least the following options for allocating the optimum yields be taken to public hearing:

Area	Optimum yield (mt)	Seasonal allocation	
		July-Nov.	Dec.-June
5Y	30,000		
North of Cape Elizabeth		8,850	1,620.
South fo Cape Elizabeth		9,750	9,750 (Opt.1).
		6,000	13,500 (opt.2).
		6,000	7,200 (Dec.-Mar.) (Opt.3).
			6,300 (Apr.-June).
5Z+6	15,000		
Georges Bank		10,000 (U.S.)	3,000.
Southern New England		2,000 (Canada)	
Total	45,000		

3. That two week closures of all fishing in herring spawning areas on Jeffreys Ledge and Georges Bank during October be discussed at public hearings.

4. That herring three years of age and older be defined as nine inches and that the recommended optimum yields be reduced to reflect this definition.

The public hearings are scheduled for the following dates and places:

April 9, 1979 at Treadway-Samoset Inn, Warrenton Avenue, Rockport, Maine.
April 10, 1979 at the Gloucester House Restaurant, 63 Rogers Street, Gloucester, Massachusetts.
April 11, 1979 at the Dutch Inn, Great Island Road, Galilee, Rhode Island.

All of the above hearings are scheduled to run from 7:30 p.m. to 10:00 p.m.

Dated: March 22, 1979.

WINFRED H. MEIBOHM,
Executive Director,
National Marine Fisheries Service.

[FR Doc. 79-9223 Filed 3-26-79; 8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01-M]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON GRANTS, BENEFITS AND CONTRACTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Grants, Benefits and Contracts of the Administrative Conference of the United States, to be held at 2:00 p.m. April 2, 1979 in the library of the Administrative Conference, the Gelman Building, 2120 L Street, NW, Suite 500, Washington, D.C. This meeting has been rescheduled from its original date of March 21, 1979.

The Committee will meet to consider the comments on the report by Professor Peter W. Martin entitled "Procedures Used in Forming and Carrying Out Federal-State Agreements under the Supplemental Security Income Program" and on its proposed recommendations.

Attendance is to open to the interested public but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting. The Committee meeting has been scheduled for April 2nd in order to ensure sufficient time for further consideration of the proposed recommendations prior to the Administrative Conference's upcoming plenary session.

For further information concerning this meeting contact Charles Pou, Jr. (202-254-7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 22, 1979.

[FR Doc. 79-9193 Filed 3-26-79; 8:45 am]

[3410-30-M]

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC)

Program Funding Formula

AGENCY: Food and Nutrition Service.

ACTION: Clarification Notice.

SUMMARY: The Food and Nutrition Service is publishing a clarification of the mathematical procedures used to compute the program funding formula published in the FEDERAL REGISTER on October 11, 1978, and on January 2, 1979.

DATED: March 22, 1979.

FOR FURTHER INFORMATION CONTACT:

Jennifer R. Nelson, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-8206.

NOTICE: The Department of Agriculture published a proposed notice on October 11, 1978, at 43 Fed. Reg. 46881 and a final notice on January 2, 1979, at 44 Fed. Reg. 72 concerning the program (food) funding formula for the WIC Program. After the final notice was published, it was brought to the Department's attention that the description of the application of the formula in the notice was not precisely accurate.

Clarification of Procedure

In preparing an explanation of the mathematical steps performed by the computer in determining the initial program funding levels for each State agency, an attempt was made to simplify the explanation. However, the Department later discovered that the simplified explanation was misleading and, therefore believes that a clarification should be published to insure that all interested parties thoroughly understand the computation process. This notice does not alter the method by which the Department allocates WIC Program (food) funds among States. The steps used to run the formula are as follows:

(1) All State agencies are run through the formula initially. If according to the formula any State agency would receive less funds than it received for the immediately preceding fourth fiscal quarter plus 10 percent, it is "held harmless" and given the fourth quarter level plus 10 percent. Additionally, if according to the formula any State agency would receive an amount greater than its maximum grant level (potential eligible participants multiplied by food package cost), it is funded at the maximum grant level. Those State agencies with a fourth quarter annualized level of $5 million or more that have been previously identified by a preliminary run of the formula as receiving more than a 50 percent increase by the formula are limited to a 50 percent increase. The amount of funds needed to provide allocations for the three categories listed above, namely, hold harmless, maximum grant and 50 percent cap State agencies is totaled and subtracted from the total funds available.

(2) The formula is then run on the remaining funds for the State agencies which did not fall into one of the three categories listed in step one. Any State agency receiving less than their fourth quarter level plus 10 percent in this second run is held harmless. The funds needed for allocations to hold harmless State agencies are subtracted from total funds for this second run, and the formula is run again with the remaining funds and State agencies. This procedure is repeated until no State agencies are held harmless.

The Department has allocated all available funds for the first and second quarters of fiscal year 1979 and will allocate all available funds for the third and fourth quarters of fiscal year 1979. The Department is extremely concerned that all allocated funds be expended by the State agencies. Therefore, the reallocation of funds scheduled to take place in April and July 1979 will redistribute all unspent funds according to the funding formula.

State agencies and other interested parties should be aware that the mathematical process described in this notice does not affect reallocations of funds. The reallocation levels are based entirely on the component factors which make up the formula and not on the mathematical process described in this notice which designates

hold harmless States. Maximum grant and 50 percent cap State agencies will not participate in the reallocation.

The Department is interested in receiving comments on the entire formula, including the steps discussed in this notice, before the fiscal year 1980 funds are allocated. Therefore, the Department will issue a notice describing the entire formula again and will consider all comments before fiscal year 1980 allocations are determined.

Signed in Washington, D.C., on March 24, 1979.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 79-9151 Filed 3-26-79; 8:45 am]

[3410-11-M]

Forest Service

NATION'S RENEWABLE RESOURCES; RPA ASSESSMENT AND ALTERNATIVE PROGRAM DIRECTIONS

Availability Of Draft Environmental Impact Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, notice is hereby given that on March 27, 1979, the USDA Forest Service, filed with the Environmental Protection Agency and made available to the public a Draft Environmental Impact Statement on the Nation's Renewable Resources-RPA Assessment and Alternative Program Directions (1981-2030).

The statement discusses in detail five different alternative program directions from which a recommended long-range program for Forest Service activities will be developed. The five alternatives display a range of Forest Service programs for research, for National Forest System lands, and for cooperative programs with State and private forest landowners. There is no preferred alternative. A recommended program will be developed by January 1980. The scope will be nationwide.

The responsible official is John R. McQuire, Chief, USDA Forest Service, Washington, DC. For further information contact J. Lamar Beasley, Director of Resources Program and Assessment, USDA Forest Service, P.O. Box 2417, Washington, DC 20013, phone (202) 447-5440.

Comments on the Draft Environmental Impact Statement must be received by June 8, 1979, in the Office of the Chief or at one of the nine Regional Forester's Offices listed in the statement. Copies of the summary document are being given wide distribution, and additional copies may be obtained from the Offices of the Regional Foresters.

Dated: March 21, 1979.

R. MAX PETERSON,
Deputy Chief.

[FR Doc. 79-9212 Filed 3-26-79; 8:45 am]

[3410-11-M]

WILD AND SCENIC RIVERS STUDIES SALT, VERDE, AND SAN FRANCISCO RIVERS ARIZ.

Intent To Conduct the Studies and Prepare Environmental Impact Statements

Pursuant to the Wild and Scenic Rivers Act of October 2, 1968, (PL 90-542) as amended by the National Parks and Recreation Act of 1978 (PL 95-625), the USDA Forest Service, Southwestern Region, is commencing studies on portions of the Salt, Verde, and San Francisco Rivers in Arizona to determine their eligibility and suitability for inclusion in the Wild and Scenic Rivers System.

The studies will be carried out in compliance with the National Environmental Policy Act—CEQ Regulations, FEDERAL REGISTER, Vol. 43, No. 230, November 29, 1978. The studies will be completed with the filing of a final environmental impact statement for each river on or about December 1, 1980. The Congress has directed that it receive the results of studies in April 1981. Draft environmental impact statements are scheduled for completion in May 1980, followed by a three-month review period.

Meetings with affected and interested Federal and State of Arizona Agencies, as well as interested organizations and groups and local governments, will be held early in the process.

The purpose of the meetings will be to identify agencies and groups that want to participate in the studies, to determine what the scope of the studies may be and to identify issues and concerns that should be addressed.

The studies will be conducted and the environmental impact statements will be prepared by interdisciplinary teams. Teams will consist of a team leader and individuals representing the disciplines necessary to adequately identify and evaluate the suitability of the rivers for addition to the Wild and Scenic Rivers System and the potential impacts of such designation on the natural resources as well as on the social and economic values of the affected communities.

Interdisciplinary team leaders for the studies are:

Verde River—DeWayne Morgan, Forest Planner, Prescott National Forest, 344 S. Cortez, P.O. Box 2549, Prescott, Arizona 86301.

San Francisco—Lee Redding, Recreation Staff Officer, Apache-Sitgraves National Forest, P.O. Box 640, Springerville, Arizona 85938.

Salt—Phil Gilman, Forest Planner, Tonto National Forest, 102 South 28th Street, P.O. Box 13705, Phoenix, Arizona 85002.

The studies will be coordinated by: Jim Rathbun, Rivers Coordinator, USDA Forest Service, 517 Gold Avenue, S.W., Albuquerque, New Mexico 87102.

Comments on the studies or on the Notice of Intent should be directed to the interdisciplinary team leaders or studies coordinator as listed above.

Dated: March 16, 1979.

JOHN R. MCGUIRE,
Chief.

[FR Doc. 79-9169 Filed 3-26-79; 8:45 am]

[6320-01-M]

CIVIL AERONAUTICS BOARD

[Order 79-3-126]

CHICAGO/SAN DIEGO-HONOLULU

Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-3-126, Chicago/San Diego-Honolulu Show-Cause Proceeding.

SUMMARY: The Board is proposing to grant Chicago/San Diego-Honolulu nonstop authority to American Airlines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 23, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than April 9, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35103, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Donna Kaylor, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673-5380.

SUPPLEMENTARY INFORMATION: Objections should be served upon the

following persons: Western, Trans World and American.

The complete text of Order 79-3-126 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-3-126 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: March 21, 1979.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-9206 Filed 3-26-79; 8:45 am]

[6320-01-M]

[Order 79-3-125]

DENVER-HAWAII; SHOW-CAUSE PROCEEDING

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-3-125, Denver-Hawaii Show-Cause Proceeding.

SUMMARY: The Board is proposing to grant Denver-Honolulu/Hilo nonstop authority to United Airlines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than April 23, 1979, a statement of objections, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than April 9, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 35102, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Donna Kaylor, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Ave., Washington, D.C., 20428, (202) 673-5380.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: United and Trans World Airlines.

The complete text of Order 79-3-125 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79-3-125 to the Distribution Section, Civil Aeronautics Board, Washington, D.C., 20428.

By the Civil Aeronautics Board: March 21, 1979.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-9207 Filed 3-26-79; 8:45 am]

[6320-01-M]

[Order 79-3-128]

KANSAS CITY-CHICAGO/DENVER MARKETS

Order To Show Cause; Restrictions

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-3-128, removing restrictions in the Kansas City-Chicago/Denver markets by Order to Show Cause.

SUMMARY: The Board is proposing to remove Ozark's restrictions in the Kansas City-Chicago/Denver markets (Docket 34215) and Frontier's restriction in the Kansas City-Chicago market (Docket 35105). The complete text of this order is available as noted below.

DATES: Objections to the issuance of an order making final our proposed action should be filed no later than April 12, 1979, and answers should be filed no later than April 19, 1979.

ADDRESSES: Documents should be filed in Docket 34215, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:

Nancy B. Rosenbaum, Bureau of Pricing and Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5345.

SUPPLEMENTARY INFORMATION: The complete text of Order 79-3-128 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request for Order 79-3-128 to the Distribution Section.

By the Civil Aeronautics Board: March 21, 1979.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 79-9205 Filed 3-26-79; 8:45 am]

[6320-01-M]

SOUTHWEST AIRLINES

[Docket No. 34582; Order 79-3-150]

Order Instituting Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of March 1979.

On March 1, 1979, we issued Order 79-3-14, granting a number of automatic market entry applications filed under section 401(d)(7) of the Act. We did not take final action on Southwest's application, however, since it had applied for the route "Dallas (Love Field)-New Orleans" and we recognized that controversy existed concerning the use of Love Field for interstate service. Accordingly, we directed interested persons opposing Southwest's application to object to our tentative conclusion that we were required to grant the application, and to support those objections by legal arguments specifically directed at the automatic market entry provision of the Act. We have received objections from the Dallas/Fort Worth Parties,[1] American Airlines,[2] Frontier Airlines, Congressmen Wright and Harsha, and comments from the Department of Transportation.[3]

As we discuss below, we have carefully considered all of the pleadings and, based on our view of them and the statute, although we cannot conclude that the Act's declaration of Policy in section 102 is applicable to automatic market entry applications as a general rule, section 401(d)(7) itself provides for modification of the automatic market entry program in certain circumstances. We will institute an investigation to determine whether those circumstances exist concerning Southwest's application in Docket 34582.

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[1] City of Dallas, City of Fort Worth, Chambers of Commerce of the Cities of Dallas and Fort Worth, the North Texas Commission and the Dallas-Fort Worth Regional Airport Board.

[2] In addition to the argument we discuss below, American's objections repeat its assertion that "Dallas (Love Field)" is not a point within the meaning of the Act. Frontier joins in this objection. We rejected this contention in Order 79-3-14, and American's attempted strengthening of its argument does not convince us otherwise. It is clear from a number of our recent show-cause orders that we have concluded that a particular airport can be considered a "point". See, *e.g.*, Order 79-2-36, February 7, 1979. Moreover, last year we concluded an entire formal proceeding involving authorization at a particular airport in Chicago; the certificates issued as a result of that case included "the terminal *point* Midway Airport Chicago" (Order 78-7-40, July 14, 1978, *Chicago-Midway Low-Fare Route Proceeding;* emphases supplied).

[3] While DOT's pleading is not in the style of an objection, it essentially makes the same argument we discuss in the text.

Basically, the objectors argue that section 102(a)(6) of the Act instructs us not to grant *any* application for interstate authority at Love Field.[4] They cite the colloquy which took place on the floor of the House of Representatives prior to passage of the Airline Deregulation Act of 1978, in which Congressman Wright stated his understanding that:

> If the Dallas-Fort Worth Regional Airport Board or the cities inform the CAB that any interstate service to Love Field is not in accordance with the plan of the 1968 Board Ordinance, and that they do not desire it, then the CAB could not certificate any such service to Love Field.* * *[5]

The sponsor of the bill in the House, Congressman Anderson, agreed with this interpretation. The Dallas/Fort Worth Parties state that section 102(a) of the Act "by its very language, is made mandatory and applicable to *all* portions of the Act." We disagree, not with the fact that Congress very clearly stated and intended that consistency with regional airport plans should be given full weight in granting certificates pursuant to 401(d)(1), but with the further assertion being made that such a test should apply with equal strength to all provisions pursuant to which the Board may now authorize services.

Section 102(a) of the Act specifies the factors we are to take into account in determining what is in the public interest and in accordance with the public convenience and necessity. While section 401(d)(1) of the Act directs us to grant an application to provide interstate air transportation under that section if we find that the applicant

> Is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Board hereunder, *and that such transportation* * * * *is consistent with the public convenience and necessity* (emphasis added),

language similar to the portion emphasized above is unmistakably absent from section 401(d)(7), the automatic market entry provision. If we are not directed to consider public interest and/or public convenience and necessity factors in acting on 401(d)(7) applications, section 102(a) does not apply.[6] Most significantly, the very language of section 401(d)(7) demonstrates Congress' recognition that the provision may be inconsistent with section 102(a). Subparagraph (E) states:

> The Board shall conduct a study of the procedure for certification of air carriers and intrastate air carriers set forth in subparagraphs (A) and (B) of this paragraph to evaluate—
>
> (i) whether such procedure is consistent with the criteria set forth in section 102 of this Act * * * Not later than December 31, 1980, the Board shall complete such study and report the results of such study to the Congress.

Thus, rather than remedy any inconsistencies between sections 102(a) and 401(d)(7), we are to report them to Congress.[7]

Section 401(d)(7) does provide that we may modify the automatic market entry program under certain circumstances. Subparagraph (D) states in part:

> (i) The Board shall, on an emergency basis, by rule, modify the program established by this paragraph, if the Board finds that—
>
> (I) the operation of such program is causing substantial public harm to the national air transportation system * * *;
>
> (II) the modification proposed by the Board is required by the public convenience and necessity in order to alleviate such harm * * *; and
>
> (III) such harm * * * identified by the Board cannot be rectified by any reasonably available means other than the modification proposed by the Board.
>
> Any emergency modification proposed by the Board under this subparagraph shall modify such program only to the minimum extent necessary to rectify the harm * * * identified by the Board. Any emergency modification of such program may be limited to any pair of points.

In view of the serious concern expressed in the House of Representatives that interstate service out of Love Field could be harmful to the entire Dallas/Fort Worth area and the allegations of the Dallas/Fort Worth Parties that safety considerations compel the use of the Dallas/Fort Worth Regional Airport for interstate service, we believe that we should explore the possibility that the grant of Southwest's application could have the effect specified in 401(d)(7)(D)(i)(I) and that the issue should be litigated expeditiously with an opportunity for the presentation of evidence, cross-examination, argument and an initial decision by an administrative law judge.[8] This is a case of first impression for two reasons—first, the automatic market entry provision was added to the Federal Aviation Act by the Airline Deregulation Act so that we are, for the first time, considering its meaning and relationship to other provisions of the Act, and second, an air carrier is seeking to provide interstate service at Love Field for the first time since construction of the Dallas-Fort Worth Regional Airport. These factors compel us to con-

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[4] Section 102(a)(6) states:

"In the exercise and performance of its powers and duties under this Act with respect to interstate and overseas air transportation, the Board shall consider the following, among other things, as being in the public interest, and in accordance with the public convenience and necessity: "The encouragement of air service at major urban areas through secondary or satellite airports, where consistent with regional airport plans of regional and local authorities, and when such encouragement is endorsed by appropriate State entities encouraging such service by air carriers whose sole responsibility in any specific market is to provide service exclusively at the secondary or satellite airport, and fostering an environment which reasonably enables such carriers to establish themselves and to develop their secondary or satellite airport services."

The Dallas/Fort Worth local authorities have made it very clear that interstate air service out of Love Field is not consistent with their regional airport plan.

[5] 124 Cong. Rec. 10294 (daily ed. Sept. 21, 1978).

[6] Emphasizing the distinction between sections 401(d)(1) and 401(d)(7), it seems to us that at least one subparagraph of section 401(d)(7) is specifically inconsistent with section 102(a). Although one of the factors specified in 102(a) as being in the public interest and in accordance with the public convenience and necessity is—

"[the] prevention of * * * anticompetitive practices in air transportation, and the avoidance of * * * other conditions that would tend to allow one or more air carriers unreasonably to * * * exclude competition in air transportation",

subparagraph (C) of section 401(d)(7) affords each carrier an opportunity to protect one market from competition through an automatic market entry award.

[7] The Dallas/Fort Worth Parties seem to suggest that the "fit, willing and able" provision of section 401(d)(7) is sufficient to bring the factors in 102(a) under the penumbra of 401(d)(7). Their apparent rationale is that, in order to grant an automatic market entry application, we must not find that the applicant is unable to "conform to the provisions of [the] Act," and that since section 102(a) is part of the Act, it applies to section 401(d)(7). Clearly, however a provision of the Act must be applicable to an automatic market entry applicant before such an applicant can be required to conform to it, and that is what the Dallas/Fort Worth Parties have failed to demonstrate.

From this discussion, it should be clear why we are rejecting Frontier's arguments that sections 401(e) and 401(g), which give us the power to attach conditions to certificates when required by the public interest and the public convenience and necessity, respectively, apply to authority issued under section 401(d)(7). Congress could not have intended that we be able to achieve by restriction an actual denial of an award, a step we are precluded from taking except in the limited circumstances we discuss below in the text. As we indicate there, Congress has provided very explicit standards to be used in deviating from the "automatic" nature of awards under section 401(d)(7).

[8] We encourage the parties and the administrative law judge to incorporate by reference any relevant and proper evidence submitted in other proceedings before us. We recognize that the issue of interstate service at Love Field is now at issue in two proceedings involving section 401(d)(1), i.e., the *Chicago-Midway Expanded Service Proceeding*, Docket 33019, and the *Dallas/Ft. Worth-Florida Service Investigation*, Docket 32711. As we explain above, the legal issues and standards involved in the proceeding we are now instituting are different but some factual evidence submitted in the other cases may be relevant here.

sider the issues raised by Southwest's application in a responsible way, on the basis of complete information. We remind the parties that their arguments must focus specifically on the standards set forth in section 401(d)(7)(D)(i). In this connection, they should consider the following:

(1) Congress indicated that any emergency modification of the automatic market entry program could be directed at one specific pair of points, but harm to the *national* air transportation system must be demonstrated. Obviously, we expect the parties to focus argument on the meaning of this term.

(2) Since the modification must be required by the public convenience and necessity, section 102(a) comes into play in the context of subparagraph (D)(II) of section 401(d)(7), and all parties are expected to focus on whether section 102(a)(6) gives the Dallas/Fort Worth Parties a veto over applications to provide interstate service at Love Field or, instead, whether section 102(a)(6) and the views of the civic parties are *some* but not all of the factors that the Board must *consider*, where public convenience and necessity considerations are relevant, particularly in light of the conflicting statements of legislative intent in the Senate [9] and House of Representatives concerning section 102(a)(6).[10]

(3) Since any modification of the automatic market entry program ultimately adopted by the Board must be the only means reasonable available to remedy the problem, the parties are expected to address themselves to whether the Dallas/Fort Worth Parties' objective can be achieved by an exercise of the proprietary rights of an airport operator.[11] In particular, the Dallas/Fort Worth Parties are expected to demonstrate why they do not have the legal power themselves to prohibit or curtail interstate service at Love Field in this particular case, without any action on our part.

In view of Congress' obvious intent that automatic market entry applications be acted upon quickly and its direction that any modification of the automatic market entry program be accomplished by emergency rule, we caution all parties that we expect expeditious handling by the administrative law judge and that they are expected to abide by the procedural schedule he establishes. Although we expect this proceeding to be concluded as quickly as possible, we obviously will be unable to act on Southwest's application within the 60-day time frame prescribed by section 401(d)(7)(A). Since Congress provided for possible modification of the automatic market entry program (which can be limited to a pair of points), *a fortiori* Congress must have intended that we have an adequate period to make a responsible determination as to whether such a modification is necessary. As a result, we find that a very limited, emergency modification of the program is necessary to the extent that it would require action on Southwest's application by March 26, 1979. Since Southwest's application raises a fundamental and difficult question of first impression under section 401(d)(7)(D)(i) as to whether the program can or should be modified and since we now have insufficient information with which to decide those issues responsibly, we find that action at this time on Southwest's application would cause substantial public harm to the national air transportation system; that the public convenience and necessity require a brief deferral of the application pending compilation of a formal record on the issues, an initial decision by an administrative law judge and any necessary Board review of that decision; and that the harm that would result from an action based on insufficient information as to the possible effects specified in 401(d)(7)(D)(i) from a grant of Southwest's application can only be rectified by a brief postponement of final action on that application until the expedited proceeding is concluded. We are issuing an emergency rule modifying section 401(d)(7)(A) to the extent necessary to allow more than 60 days for action on applications when unusual circumstances, as here, require it. That rule is set forth in PR-199, also adopted today.

We also find, on our own motion, that it is consistent with the public interest to exempt Southwest Airlines from the terms of section 401 to the extent necessary to permit it to serve the Dallas-New Orleans route through the Dallas-Fort Worth Regional Airport, pending final decision on its application in Docket 34582. This exemption will allow Southwest to begin service immediately in the Dallas/Ft. Worth-New Orleans market. By the same token, we will not authorize any carrier to provide service in that market from Love Field so that Southwest will not be at any competitive disadvantage pending the outcome of our determination on the Love Field question.

Accordingly,

1. We defer final action on Southwest Airlines' application in Docket 34582;

2. We institute a proceeding in Docket 34582 to be assigned immediately to an administrative law judge to consider the issues raised by this order;

3. The following are made parties to the proceeding instituted by paragraph 2: Southwest Airlines, American Airlines, Frontier Airlines, the Dallas/Fort Worth Parties, the Honorable Jim Wright, the Honorable William H. Harsha and the U.S. Department of Transportation;

4. We will automatically take review of the administrative law judge's initial decision, and objections to it will be due five days after the date of service of the decision; no answers will be accepted;

5. We exempt Southwest Airlines from the provisions of the Act and our Regulations to the extent necessary to permit it to serve the Dallas-New Orleans route through the Dallas-Fort Worth Regional Airport; and

6. The exemption granted by paragraph 4 above is effective immediately and will continue in effect for 60 days after final Board action on Southwest Airlines' application in Docket 34582.

We will publish this order in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,[12]
Secretary.

[FR Doc. 79-9331 Filed 3-26-79; 8:45 am]

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[9] 124 Cong. Rec. S19559-19560 (daily ed. Nov. 9, 1978).

[10] We recognize that there is some controversy concerning the proper weight to attach to the Senate colloquy on this subject since it was placed in the the Congressional Record subsequent to passage of the Airline Deregulation Act; thus, the parties should address themselves to this issue as well.

[11] *City of Burbank* v. *Lockheed Air Terminal, Inc.*, 411 U.S. 624 (1973).

[12] All Members concurred.

[6320-01-M]

[Docket No. 34582]

SOUTHWEST AIRLINES AUTOMATIC MARKET ENTRY INVESTIGATION

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-titled proceeding will be held before the undersigned on March 28, 1979, at 9:30 a.m. (local time), in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C.

The issues are those set out in Board Order 79-3-150 adopted March 22, 1979, instituting this investigation of Southwest Airlines' application under section 401(d)(7) of the Federal Aviation Act of 1958 as amended for automatic entry into the Dallas (Love Field)-New Orleans market.

The conference will consider among other things (1) the identification of relevant evidence in other proceedings which the parties propose to incorporate by reference, (2) proposed stipulations, (3) statements of position, and

(4) subsequent procedural dates including the feasibility of a hearing commencing on April 9, 1979, and the site of such hearing.

Dated at Washington, D.C., March 22, 1979.

WILLIAM A. KANE, Jr.,
Administrative Law Judge.

[FR Doc. 79-9330 Filed 3-26-79; 8:45 am]

[3810-70-M]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Monday & Tuesday, 21-22 May 1979, U.S. Army Foreign Science and Technology Center, Charlottesville, Virginia.

The entire meeting, commencing at 0900 hours, each day, is devoted to the discussion of classified information as defined in Section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on the growth and the potential implications of Soviet technology.

H. E. LOFDAHL,
Director, Correspondence and Directives, Washington Headquarters Services, Department of Defense.

MARCH 22, 1979.

[FR Doc. 79-9152 Filed 3-26-79; 8:45 am]

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

NATIONAL PETROLEUM COUNCIL, TASK GROUPS OF THE COMMITTEE ON MATERIALS AND MANPOWER REQUIREMENTS

Meetings

Notice is hereby given that a task group of the Committee on Materials and Manpower requirements will meet in April 1979. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Materials and Manpower Requirements will analyze the potential constraints in these areas which may inhibit future production and will report its findings to the National Petroleum Council. Its analysis and findings will be based on information and data to be gathered by the various task groups. The task group scheduling a meeting is the Business Environment Task Group. The time, location and agenda of the task group meeting follows:

The third meeting of the Business Environment Task Group will be on Wednesday, April 11, 1979, starting at 9:00 a.m. in the Main Conference Room on the 26th Floor of the General Crude Oil Company's offices, One Allen Center Building, 500 Dallas Street, Houston, Texas.

The tentative agenda for the meeting follows:

1. Introductory remarks by Chairman and Government Cochairman.
2. Finalization of method for collecting the information needed for the completion of assignments.
3. Finalization of list of sources of information required by the Business Environment Task Group.
4. Discussion of any other matters pertinent to the overall assignment of the Business Environment Task Group.

The meeting is open to the public. The chairman of the task group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the task group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform James R. Hemphill, Office of Resource Applications, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA 152, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on March 20, 1979.

GEORGE S. MCISAAC,
Assistant Secretary for Resource Applications.

MARCH 20, 1979.

[FR Doc. 79-9182 Filed 3-26-79; 8:45 am]

[6450-01-M]

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for January 1979

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: January 1979 Entitlement Notice.

SUMMARY: Under the Department of Energy's (DOE) domestic crude oil allocation (entitlements) program, this is the monthly entitlement notice which sets forth the entitlement purchase or sale requirements of domestic refiners for January 1979.

DATES: Payments for entitlements required to be purchased under this notice must be made by March 31, 1979. The monthly transaction report specified in §211.66(i) shall be filed with the DOE by April 10, 1979.

FOR FURTHER INFORMATION CONTACT:

Douglas McIver (Entitlements Program Office), Economic Regulatory Administration, 2000 M Street, N.W., Room 6128 I Washington, D.C. 20461, (202) 254-8660.

Fred Wolgel (Office of General Counsel), Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Room 6A-127, Washington, D.C. 20585, (202) 252-6754.

SUPPLEMENTAL INFORMATION: In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Adminstration (ERA), the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for January 1979 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production shipped in foreign flag tankers for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier and upper tier crude oil provided in § 211.67(a)(4); February 1979 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for January 1979 is calculated to be .177892.

In accordance with 211.67(b)(2), to calculate the number of barrels of deemed old oil included; in a refiner's adjusted crude oil receipts for the month of January 1979, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .206887 of a barrel of deemed old oil.

The issuance of entitlements for the month January 1979 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists

the name of each refiner or other firm to which entitlements have been issued, the number of barrels of demed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of January 1979 is hereby fixed at $8.74, which is the exact differential as reported for the month of January between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of January 1979 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of January 1979 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of January 1979 in excess of the number of barrels of deemded old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through December 1978 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are refleced in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, *see Beacon Oil Company, et al*, 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the January 1979 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its January 1979 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, *see Entitlement Notice for October 1977* (42 FR 64401, December 23, 1977).

For purposes of § 211.67(d)(6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum, Reserve, the number of barrels sold to the Government totaled 5,779,532 barrels.

For the month of January 1979, imports of residual fuel oil eligible for entitlements issuances totaled 33,061,689 barrels.

In accordance with § 211.67(a)(4), the number of barrels of California lower tier and upper tier crude oil as reported by refiners to the DOE, and the weighted average gravity thereof are as follows:

	Volumes	Weighted average gravity
California Lower Tier Crude Oil	10,054,196	19°
California Upper Tier Crude Oil	8,672,554	20°

The total number of entitlements required to be purchased and sold under this notice is 20,789,820.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for January 1979, the pricing composition and weighted average costs thereof are as follows:

	Volume	Weighted average cost	Percent of total volumes [1]
Lower Tier	87,969,870	$6.20	18.5
Upper Tier	87,161,740	13.12	18.4
Exempt Domestic:			
Alaskan	33,687,812	13.15	7.1
Stripper	39,748,099	15.10	8.4
Naval Petroleum Reserve	3,222,032	13.51	.7
Total Domestic	251,789,353	11.02	53.0
Imported	223,176,460	15.47	47.0
Total Reported Crude Oil Receipts	474,965,813	13.11	100.0
Total Reported Crude Oil Runs to Stills	489,457,174		

[1] Numbers may not add due to rounding.

Payment for entitlements required to be purchased under 10 CFR 211.67(b) for January 1979 must be made by March 31, 1979.

On or prior to April 10, 1979, each firm which is required to purchase or sell entitlements for the month of January 1979 shall file with the DOE the monthly transaction report specified in 10 CFR 211.66(i) certifying its purchases and sales of entitlements for the month of January. The monthly transaction report forms for the month of January have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by March 31, 1979 are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consummate required entitlement transactions on or prior to March 31, 1979, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR 211.67(k).

This notice is issued pursuant to Subpart G, 10 CFR Part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with Subpart H of 10 CFR Part 205. Any such appeal shall be filed by April 26, 1979.

Issued in Washington, D.C. on March 20, 1979.

DAVID J. BARDIN,
Administrator,
Economic Regulatory Administration.

APPENDIX

NOTICE OF ENTITLEMENTS FOR DOMESTIC CRUDE OIL

JANUARY 1979

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
-CONSOL'D-SALES	-48,068	0	0	0	0	0	48,068*
A-JOHNSON	0	189,444	0	6,198	0	0	189,444
ALLIED	142,589	79,563	0	0	0	63,026	0
AMER-PETROFINA	712,149	755,575	0	0	0	0	43,426
AMERADA-HESS	1,297,540	3,103,388	0	104,573	0	0	1,805,848
AMOCO	9,312,654	5,415,684	0	0	0	3,896,970	0
ANCHOR	33,176	128,736	0	0	33,209	0	95,560
APCO	0	2,858	2,858	0	0	0	2,858
ARCO	3,983,123	4,560,967	0	17,491	41,692	0	577,844
ARIZONA	92,961	44,893	0	0	4,319	48,068	0
ASAMERA	102,927	138,650	0	0	0	0	35,723
ASHLAND	1,045,019	2,073,562	0	156,753	0	0	1,028,543
ASIATIC	0	406,333	0	406,333	0	0	406,333
BASIN	154,329	180,929	0	0	53,568	0	26,600
BAYOU	37,576	37,272	0	0	0	304	0
BEACON	192,454	140,504	-14,526	0	35,347	51,910	0
BELCHER	0	178,912	0	178,912	0	0	178,912
BI-PETRO	10,463	127,329	0	0	0	0	116,866
BP-TRADING	0	305,881**	0	0	0	0	305,881
BRUIN	31,766	122,277	0	0	0	0	90,511
C&H	48	158	0	0	0	0	110
CALCASIEU	3,367	55,049	0	0	0	0	51,682
CALUMET	21,896	26,440	0	0	0	0	4,544
CANAL	63,308	72,842	0	0	0	0	9,534
CARBONIT	27,916	36,971	0	0	0	0	9,055
CARIBOU	90,496	71,386	0	0	0	19,110	0
CASTLE	0	35,455	0	35,455	0	0	35,455
CENTRAL	0	25,865	0	25,865	0	0	25,865
CHAMPLIN	1,606,846	1,324,095	0	0	224,523	282,751	0
CHARTER	224,620	512,933	95,235	0	0	0	288,313
CHEVRON	5,973,752	6,094,057	0	27,215	442,682	0	120,305
CIBRO	0	338,661	0	120,402	0	0	338,661
CITGO	1,642,015	1,497,628	0	0	0	144,387	0
CLAIBORNE	59,396	54,320	0	0	0	5,076	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
CLARK	216,172	583,521	0	0	0	0	367,349
COASTAL	19,316	1,439,070**	0	12,497	0	0	1,419,754
COLONIAL	0	34,829	0	34,829	0	0	34,829
CONOCO	2,603,733	2,027,047	0	50,854	157,423	576,686	0
CONSUMERS-POWER	0	60,630	0	60,630	0	0	60,630
CORAL	12,827	144,829	0	0	0	0	132,002
CORCO	10,151	1,100,468	418,157***	110,094	9,426	0	1,090,317
CRA-FARMLAND	348,539	439,700	0	0	0	0	91,161
CROSS	44,636	91,776	0	0	0	0	47,140
CROWN	272,744	595,885	0	0	0	0	323,141
CRYSTAL-OIL	86,031	144,636	0	0	0	0	58,605
CRYSTAL-REF	0	26,565	0	0	0	0	28,565
DELTA	172,876	284,479	0	0	0	0	111,603
DEMENNO	10,830	112,615	0	0	8,175	0	101,785
DERBY	0	252,996**	0	0	0	0	252,996
DETROIT-ED	0	39,122	0	39,122	0	0	39,122
DIAMOND	487,841	349,987	0	0	0	137,854	0
DORCHESTER	4,711	202,067	0	0	0	0	197,356
DOW	53,201	91,313	0	0	0	0	38,112
E-SEABOARD	0	70,040	0	70,040	0	0	70,040
ECO	96,021	98,401	0	0	30,402	0	2,380
EDDY	35,652	36,841	0	0	0	0	1,189
ENERGY-COOP	12,827	544,796	0	0	0	0	531,969
ERGON	8,249	126,174	0	0	0	0	117,925
ERICKSON	3,201	121,802	0	0	0	0	118,601
EVANGELINE	30,589	31,172	0	0	0	0	583
EXXON	9,383,021	8,647,742**	0	367,102	0	735,279	0
EZ-SERVE	-38,430	36,035	0	0	-7,725	0	74,465
FARMERS-UN	145,705	268,534	0	0	0	0	122,829
FLETCHER	30,040	209,771	0	0	7,457	0	179,731
FLINT	7,972	8,865	0	0	0	0	893
FRIENDSWOOD	32,401	29,832	0	0	0	2,569	0
FUNDING	80,836	69,027	0	0	0	11,809	0
GARY	148,877	111,253	0	0	0	37,624	0

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	E N T I T L E M E N T P O S I T I O N EXCEPTIONS AND APPEALS	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
GETTY	1,107,903	1,091,721	0	0	0	16,182	0
GIANT	36,123	41,311	0	0	0	0	5,188
GLACIER-PARK	112,560	48,367	0	0	0	64,193	0
GLADIEUX	67,379	118,378	0	0	0	0	50,999
GOLDEN-EAGLE	0	150,886	0	0	0	0	150,886
GOLDKING	84,787	132,299	0	0	0	0	47,512
GOOD-HOPE	33,300	260,323	0	0	0	0	227,023
GUAM	0	206,174	0	0	0	0	206,174
GULF	7,659,583	4,787,908	0	17,407	69,377	2,871,675	0
GULF-STS	50,030	126,074	0	0	0	0	76,044
HIRI	0	382,662	0	0	0	0	382,662
HOWELL	180,433	266,332	0	0	0	0	85,899
HUDSON-OIL	12,481	163,015	0	0	0	0	150,534
HUNT	186,519	212,853	0	0	0	0	26,334
HUSKY	593,457	593,457	284,780	0	0	0	0****
INDEPENDENT-REF	51,824	125,773	0	0	0	0	73,949
INDIANA-FARM	30,628	173,438	0	0	0	0	142,810
INDUST-FUEL	0	72,947	0	0	0	0	72,947
IRVING	0	16,270	0	16,270	0	0	16,270
KAISER	0	61,577	0	61,577	0	0	61,577
KENCO	20,119	44,540	0	0	0	0	24,421
KENTUCKY	15,653	14,076	0	0	0	1,577	0
KERN	382,356	245,058	0	0	53,892	137,298	0
KERR-MCGEE	971,490	716,189	0	0	0	255,301	0
KOCH	348,717	756,336	0	6,671	0	0	407,619
LAGLORIA	426,060	247,349	0	0	0	178,711	0
LAKESIDE	8,346	41,605	0	0	0	0	33,259
LAKETON	97,643	85,601	23,065	0	0	12,042	0
LITTLE-AMER	1,153,263	565,059	127,418	0	0	588,204	0
LOUISIANA-LAND	232,402	284,300	0	0	0	0	51,898
MACMILLAN	43,751	161,651	0	0	6,585	0	117,900
MARATHON	3,481,400	2,772,309	0	0	0	709,091	0
MARION	38,847	168,792	0	0	0	0	129,945
METROPOLITAN	0	135,870	0	135,870	0	0	135,870

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
MID-AMER	1,286	25,607	0	0	0	0	24,321
MOBIL	6,077,934	5,094,294	0	0	497,172	983,640	0
MOBILE-BAY	0	119,476	0	0	0	0	119,476
MOHAWK	377,359	285,751	-4,577	0	64,139	91,608	0
MONUCO	0	20,640	0	20,640	0	0	20,640
MONSANTO	151,829	276,769	0	0	0	0	124,860
MORRISON	9,400	7,089	0	0	0	2,311	0
MOUNTAINEER	7,003	6,542	0	0	0	461	0
MT-AIRY	47,823	108,718	0	0	0	0	60,895
MURPHY	770,751	614,606	0	0	0	156,145	0
N-AMER-PETRO	542	149,589	0	0	542	0	149,047
NATL-COOP	241,121	334,152	0	0	0	0	93,031
NAVAJO	303,552	272,711	14,587	0	0	30,841	0
NEVADA	17,235	36,377	0	0	0	0	19,142
NEW-EDGINGTON	570,954	555,303	145,531	0	171,820	15,651	0
NEW-ENGL-PETRO	0	25,396	0	25,396	0	0	25,396
NEW-ENGL-POWER	0	35,648	0	35,648	0	0	35,648
NEWHALL	249,961	242,060	0	0	71,842	7,901	0
NORTHEAST-PETRO	0	90,331	0	90,331	0	0	90,331
NORTHLAND	37,939	37,939	17,692	0	0	0	0
NORTHVILLE	0	138,459	0	138,459	0	0	138,459
OKC	115,204	192,996	0	0	0	0	77,792
OKLA-REF	59,305	136,450	0	0	0	0	77,145
OXNARD	16,644	43,796	0	0	16,054	0	27,152
PEERLESS	0	28,411	0	0	0	0	28,411
PEMEX	0	264,748**	0	0	0	0	264,748
PENNZOIL	590,616	326,735	0	0	0	263,881	0
POSTER	98,989	206,774	0	0	0	0	107,785
PETRO-HEAT-CT	0	1,547	0	1,547	0	0	1,547
PETRO-HEAT-PA	0	23,806	0	23,806	0	0	23,806
PHILLIPS	2,447,977	1,624,290	0	0	6,077	823,687	0
PHILLIPS-PR	0	217,208	0	217,208	0	0	217,208
PIONEER	38,572	46,015	0	0	0	0	7,443
PLACID	218,905	272,055	0	0	0	0	53,150

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
PLATEAU	145,575	166,932	0	0	0	0	21,357
PORT	49,444	27,860	0	0	0	21,584	0
POWERINE	148,823	318,911	0	0	38,923	0	170,088
PRIDE	126,108	136,425	0	0	0	0	10,317
QUAD	154,494	117,283	0	0	52,533	37,211	0
QUAKER-ST	40,864	190,643	0	0	0	0	149,779
QUITMAN	35,476	65,997	0	0	0	0	30,519
RANCHO-REF	2,991	12,154	0	0	0	0	9,163
RAYMAL	8,488	23,422	0	0	0	0	14,934
RICHARDS	265	46,982	0	0	0	0	46,717
ROAD-UTL	0	458	0	0	0	0	458
ROCK-ISLAND	200,035	264,274	0	0	0	0	64,239
SABER-TEX	14,369	203,340	0	0	0	0	188,971
SABRE-CAL	18,707	113,308	0	0	3,339	0	94,601
SAGE-CREEK	3,170	3,957	0	0	0	0	787
SAN-JOAQUIN	336,058	316,163	22,147	0	141,249	19,895	0
SCANOIL	0	28,444	0	28,444	0	0	28,444
SCHULZE	3,507	6,468	0	0	0	0	2,961
SECTOR	53,313	13,710	0	0	0	39,603	0
SEMINOLE	12,555	66,488	0	0	0	0	53,933
SENTRY	0	106,681	0	0	0	0	106,681
SHELL	9,292,191	5,879,777	0	0	453,987	3,412,414	0
SHEPHERD	8,489	54,622	0	0	0	0	46,133
SIGMOR	9,900	0	0	0	0	9,900	0
SILVER-EAGLE	1,827	1,155	0	0	0	672	0
SLAPCO	26,861	40,998	0	0	0	0	14,137
SO-HAMPTON	21,589	115,246	0	0	0	0	93,657
SOHIO	1,050,082	1,963,998	0	0	0	0	913,916
SOMERSET	18,586	32,806	0	0	0	0	14,220
SOUND	28,333	105,360	0	0	17,403	0	77,027
SOUTHERN-UNION	179,658	241,838	0	0	0	0	62,180
SOUTHLAND	407,001	321,308	128,159	0	0	85,693	0
SOUTHWESTERN	4,012	6,717	0	0	0	0	2,705
SPRAGUE	0	99,413	0	99,413	0	0	99,413

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	EXCEPTIONS AND APPEALS	ENTITLEMENT POSITION ENTITLEMENTS PRODUCT	CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
STEUART	0	19,568	0	19,568	0	0	19,568
SUNLAND	3,244	122,134	0	0	169	0	118,890
SUNOCO	3,689,377	2,965,290	8,703	17,147	0	724,087	0
SWANN	0	62,834	0	62,834	0	0	62,834
T&S	9,482	28,164	0	0	0	0	18,682
TARRICONE	0	16,900	0	16,900	0	0	16,900
TAUBER	0	10,537	0	10,537	0	0	10,537
TENNECO	735,918	541,242	0	0	4,001	194,676	0
TESORO	163,433	389,648	0	0	0	0	226,215
TEXACO	8,323,790	5,960,530	0	306,408	286,004	2,363,260	0
TEXAS-AMERICAN	36,216	103,594	0	0	0	0	67,378
TEXAS-ASPH	31,311	16,082	0	0	0	15,229*****	0
TEXAS-CITY	423,755	648,803	0	0	0	0	225,048
THAGARD	219,123	211,034	16,214	0	65,098	8,089	0
THRIFTWAY	30,018	46,217	0	0	0	0	16,199
THUNDERBIRD	68,611	101,439	0	0	0	0	32,828
TIPPERARY	18,442	36,042	0	0	0	0	17,600
TONKAWA	29,362	57,183	0	0	0	0	27,821
TUSCO	1,731,005	1,437,441	0	0	439,243	293,564	0
TOTAL-PETROLEUM	109,217	466,238	0	0	0	0	357,021
UCC-CARIBE	0	163,120	0	163,120	0	0	163,120
UNI-REF	61,883	121,953	0	0	0	0	60,070
UNION-OIL	3,048,761	2,724,727	0	0	248,755	324,034	0
UNION-PETRO	0	96,075	0	96,075	0	0	96,075
UNTD-REF	143,758	302,673	0	0	0	0	158,915
US-OIL	16,086	134,660	0	0	4,330	0	118,574
USA-PETROCHEM	52,986	185,980	0	0	11,867	0	132,994
VAL-VERDE	203	1,730	0	0	0	0	1,527
VICKERS	212,826	385,418	0	0	0	0	172,592
VICKSBURG	142	50,410	0	0	0	0	50,268
WALLER	0	8,895	0	8,895	0	0	8,895
WARRIOR	49,601	38,215	7,622	0	0	11,386	0
WEST-COAST	132,949	198,149	0	0	76,370	0	65,200
WESTERN	115,914	130,374	0	0	7,229	0	14,460

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	********** TOTAL ISSUED	ENTITLEMENT POSITION EXCEPTIONS AND APPEALS	ENTITLEMENTS PRODUCT	ENTITLEMENTS CALIFORNIA	REQUIRED TO BUY	********** REQUIRED TO SELL
WINSTON	89,673	146,991	0	0	0	0	57,318
WIREBACK	0	582	0	0	0	0	582
WITCO	60,835	191,269	0	0	16,054	0	130,434
WYATT	0	60,962	0	60,962	0	0	60,962
WYOMING	37,125	83,007	0	0	0	0	45,882
YETTER	0	928	0	0	0	0	928
YOUNG	61,663	56,963	20,612	0	0	4,709	0
TOTAL	103,122,344	103,122,344	1,313,677	3,505,408	3,864,552	20,789,820	20,789,820

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* See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

**** This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in Husky Oil Co. v. DOE, et al., Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978), remanded ____F.2d ____ (No. 10-18 TECA, August 10, 1978).

***** This does not include the purchase obligation stayed by court order in Texas Asphalt & Refinery Co. v. FEA Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[FR Doc. 79-9136 Filed 3-26-79; 8:45 am]

[6450-01-M]

NORTHERN STATES POWER CO.

Order Amending Prior Authorization To Export Electric Energy to Canada via 230 kV International Transmission Line

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Order Amending Prior Authorization to Export Electric Energy to Canada.

SUMMARY: The Department of Energy gives notice of the issuance of an order amending the prior authorization to export electric energy to Canada by Northern States Power Company via 230 kilovolt International Transmission Line.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4070, Vanguard Building, 1111 20th Street, NW., Washington, D.C. 20461, 202-634-5620.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5116, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-633-9380.

SUPPLEMENTARY INFORMATION:

On December 5, 1977, the Northern States Power Company filed Supplement No. 1 to the Manitoba-United States Winnipeg-Grand Forks 230 Kilovolt Interconnection Agreement, dated January 16, 1969, between the Manitoba Hydro-Electric Board and Northern States. Supplement No. 1 amends Exhibits A and B of the Interconnection Agreement providing for a tap of the Interconnection at the Letellier Station in Manitoba.

On March 21, 1979, the Acting Assistant Administrator for Utility Systems of ERA, issued an order, finding that the proposed changes would not impair the sufficiency of electric energy supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities subject to the jurisdiction of ERA.

The Acting Assistant Administrator for Utility Systems of ERA therefore ordered that the Supplement No. 1 to the Interconnection Agreement be accepted and that Exhibits A and B to the Interconnection Agreement be so amended.

Issued in Washington, D.C. on March 21, 1979.

JERRY L. PFEFFER,
Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 79-9191 Filed 3-26-79; 8:45 am]

[6450-01-M]

NORTHERN STATES POWER CO.

Issuance of Presidential Permit for 500 kV International Interconnection, PP-63

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Issuance of Presidential Permit for 500 kV International Interconnection, PP-63; Northern States Power Company.

SUMMARY: The Department of Energy gives notice of the issuance of a Presidential Permit, PP-63, to Northern States Power Company for a 500 kV International Interconnection at the United States-Canadian Border.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency, Response Branch, Department of Energy, Room 4070-Vanguard Building, 1111 20th Street NW., Washington, D.C. 20461, 202-634-5620.

Lise Courtney Howe, Office of General Counsel, Department of Energy, Room 5113-Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461, 202-633-9380.

SUPPLEMENTARY INFORMATION: On April 18, 1977, Northern States Power Company (NSPC) applied for authorization, pursuant to the Executive Order No. 10485, as amended by Executive Order No. 12038, to construct, connect, operate and maintain an international interconnection at the United States-Canadian border. The application was transferred to the Department of Energy (DOE) upon its formation on October 1, 1977, pursuant to Section 301 of the Department of Energy Organization Act (Pub. L. 95-91) and, by virtue of DOE Delegation Order No. 0204-4, responsibility for consideration of the application was assigned to the Administrator of the Economic Regulatory Administration (ERA).

An environmental impact statement (EIS) was prepared pursuant to the requirements of the National Environmental Policy Act of 1969 to analyze the environmental impacts of a 500 kV transmission line extending to the U.S.-Canadian border. A 30-day no action period has lapsed since publication of the notice of availability of the final EIS on January 18, 1979 (44 FR 3748). ERA has received no comments on the final EIS.

The Secretary of State by letter dated February 12, 1979 and the Secretary of Defense by letter dated February 26, 1979 favorably recommended that the Permit be granted.

Upon consideration of the matter, ERA found that issuance of the Permit was appropriate and consistent with the public interest. Accordingly, the Administrator of ERA issued the Permit on March 6, 1979 authorizing Northern States Power Company to construct, connect, operate and maintain an electric transmission facility at the U.S.-Canadian border.

Issued in Washington, D.C., March 20, 1979.

JERRY L. PFEFFER,
Acting Assistant Administrator for Utility Systems.

[FR Doc. 79-9192 Filed 3-26-79; 8:45 am]

[6450-01-M]

WEST TEXAS UTILITIES CO.

Order Authorizing Transmission of Electric Energy to Mexico and Superseding Prior Authorization

AGENCY: Department of Energy, Economic Regulatory Administration.

ACTION: Notice of Issuance of Order Authorizing Increased Transmission of Electric Energy to Mexico.

SUMMARY: The Department of Energy gives notice of the issuance of an order authorizing West Texas Utilities Co. to transmit electric energy to Mexico at an increased rate and in an increased amount, thereby superseding prior authorization.

FOR FURTHER INFORMATION CONTACT:

James M. Brown, Jr., System Reliability and Emergency Response Branch, Department of Energy, Room 4070, Vanguard Building, 1111 20th Street, NW., Washington, D.C. 20461, (202) 634-5620.

Lise Courtney Howe, Office of the General Counsel, Department of Energy, Room 5113, Federal Building, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633-9380.

SUPPLEMENTARY INFORMATION: On March 24, 1978, West Texas Utilities Co. (West Texas) filed an application in ERA Docket No. IE-78-4 for a supplemental order, pursuant to Section 202(e) of the Federal Power Act, authorizing an increase in the amount and rate of transmission of electric energy which West Texas may transmit from the United States to Mexico. West Texas was previously authorized by the Federal Power Commission to

transmit electric energy from the United States to Mexico in an amount not in excess of 6,400,000 kilowatt hours per year at a rate of transmission not to exceed 800 kilowatts. West Texas stated in its application that such export authorization is not adequate to take care of the present and anticipated electric system load requirements of the Comision Federal de Electricidad in Ojinaga, Mexico and vicinity. Therefore, West Texas sought authorization to export electric energy in an amount not in excess of 24,000,000 kwh per year at a rate of transmission not to exceed 3,000 kw.

ERA found that the proposed transmission of electric energy from the United States to Mexico would not impair the sufficiency of electric supply within the United States and would not impede or tend to impede the coordination in the public interest of facilities subject to its jurisdiction. Accordingly, on March 19, 1979, the Acting Assistant Administrator for Utility Systems authorized West Texas to transmit electric energy to Mexico in the increased amount and at the increased rate, thereby superseding any prior authorization to export electricity.

Issued in Washington, D.C., March 19, 1979.

JERRY L. PFEFFER,
Acting Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 79-9190 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. TC 79-32]

ARKANSAS LOUISIANA GAS CO.

Tariff Filing

MARCH 21, 1979.

Take notice that Arkansas Louisiana Gas Company (Arkla), Post Office Box 1734, Shreveport, Louisiana 71151, on March 20, 1979, tendered for filing Substitute 4th Revised Sheet No. 3C to its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of April 1, 1979, in Docket No. TC 79-32 to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high priority users in accordance with section 401 of the Natural Gas Policy Act of 1978 (NGPA) and part 281 of the Regulations thereunder all as more fully set forth in said sheet, which are on file with the Commission and open to public inspection.

The pertinent part of Arkla's Substitute 4th Revised Sheet No. 3 is set forth as follows under paragraph (O) of that sheet:

(O) Relief from curtailment for essential agricultural and high priority uses will be made available to the extent and in the manner required by the FERC's interim regulations prescribed by its order issued March 6, 1979 in FERC Docket RM 79-13 during the period April 1, 1979 thru October 31, 1979.

The tariff sheet tendered by Arkla adopts and incorporates by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Arkla's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM 79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheet shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9176 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-46]

INLAND GAS CO.

Tariff Filing

MARCH 21, 1979.

Take notice that on March 20, 1979, The Inland Gas Company (Respondent), P.O. Box 1180, Ashland, Kentucky 41101, filed in Docket No. TC79-46, First Revised Tariff Sheets Nos. 6, 7 and 8, as part of its FERC Gas Tariff, First Revised Volume No. 1, to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent add a new Section 3.2 to Respondent's FERC Gas Tariff, First Revised Volume No. 1, to provide for adjustments to the level of curtailment on Respondent's system to the extent necessary to avoid impairment of service for essential agricultural uses during periods of curtailment. Such adjustments are to be subject to the conditions that (1) no adjustment would be granted if Respondent is curtailing high-priority uses or if the adjustment would require the curtailing of high-priority uses, and (2) no adjustment would be granted in excess of the customers contractual entitlement. High-priority use and essential agricultural use are defined by reference to 18 CFR 281.103. The proposed Section 3.2 would terminate as of October 31, 1979.

In addition, Respondent has requested a waiver of the filing requirements in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979).

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to in-

tervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9175 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-48]

SOUTH GEORGIA NATURAL GAS CO.

Tariff Filing

MARCH 21, 1979.

Take notice that on March 20, 1979, South Georgia Natural Gas Company (Respondent), P.O. Box 1279, Thomasville, Georgia 31792, filed in Docket No. TC79-48 tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent adopt and incorporate by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Respondent's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9174 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-49]

SOUTHERN NATURAL GAS CO.

Tariff Filing

MARCH 21, 1979.

Take notice that on March 20, 1979, Southern Natural Gas Company (Respondent), Post Office Box 2563, Birmingham, Alabama 35202, filed in Docket No. TC79-49 tariff sheets as part of its FERC Gas Tariff to provide on an interim basis a plan for the delivery of natural gas for essential agricultural and high-priority uses in accordance with section 401 of the Natural Gas Policy Act of 1978 and part 281 of the Regulations thereunder, all as more fully set forth in said sheets which are on file with the Commission and open to public inspection.

The tariff sheets tendered by Respondent adopt and incorporate by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Respondent's plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and section 154.22 of the Regulations thereunder, the tendered tariff sheets shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff sheets should on or before March 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9173 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-232]

CAROLINA POWER & LIGHT CO.

Filing

MARCH 15, 1979.

Take notice that Carolina Power & Light Company (Carolina), on March 5, 1979, tendered for filing an Amendment to the Interchange Agreement between Carolina Power & Light Company and Duke Power Company, dated June 1, 1961. Carolina states that the Amendment deletes existing Service Schedules B, C, D and F and replaces them with Service Schedules B—1979 Spinning Reserve, C—1979 Limited Term Power, D—1979 Short Term Power, F—1979 Economy Interchange, and H—1979 Other Energy. Carolina further states that Service Schedule G—1979 Bulk Power Wheeling is being amended; however, the revised Service Schedule is being filed separately by Duke Power Company. Carolina indicates that existing Service Schedules A and E are retained.

Carolina proposes an effective date of April 1, 1979, and therefore requests waiver of the Commission's notice requirements.

Copies of this filing have been sent to Duke Power Company, the South Carolina Public Service Commission, and the North Carolina Utilities Commission, according to Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with

the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9198 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-197]

CITIES SERVICE GAS CO.

Application

MARCH 16, 1979.

Take notice that on February 27, 1979, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP79-197 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of minor facilities to enable Applicant to render natural gas service to authorized local natural gas distribution compaines for resale to sixteen (16) rural domestic customers pursuant to right-of-way agreements and gas storage leases heretofore entered into between Applicant and said customers, or to serve same directly if no local authorized natural gas distribution company is willing or able to make such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that these right-of-way grantors and leasors have requested service for which Applicant proposes to construct and operate the following facilities:

Item 1: Tap on Applicant's Parsons 10-inch transmission pipeline in Montgomery County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Merlyn L. Bass.

Item 2: Tap on Applicant's Cherryvale 6-inch transmission pipeline in Montgomery County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to L. H. Bernd.

Item 3: Tap On Applicant's Grabham-Welda 30-inch transmission pipeline in Wilson County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Edwin H. Bideau.

Item 4: Tap on Applicant's West Edmond 12-inch transmission pipeline in Logan County, Oklahoma and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Betty Boling.

Item 5: Tap of Applicant's Wineteer School 2-inch transmission pipeline in Sedgwick County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Louie C. Brown.

Item 6: Tap on Applicant's McLouth Storage 6-inch pipeline in Jefferson County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Phillip Cline.

Item 7: Tap on Applicant's Rodman Gasoline Plant 8-inch loop gathering pipeline in Garfield County, Oklahoma and construct measuring, regulating and appurtenant facilities for delivery of natural gas to John R. Conway.

Item 8: Tap on Applicant's Ottawa-Sedalia 12-inch transmission pipeline in Miami County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Leroy Fletcher.

Item 9: Tap on Applicant's St. Joe 12-inch transmission pipeline in Buchanan County, Missouri and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Paul J. Kovac.

Item 10: Tap on Applicant's Blackwell-Grabham 26-inch transmission peipeline in Kay County, Oklahoma and construct measuring, regulating and appurtenant facilities for delivery of natural gas to LaFaun Locke.

Item 11: Tap on Applicant's Barber County 20-inch gathering pipeline in Barber County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to C. Harris McCracken.

Item 12: Tap on Applicant's Ottawa-Hund Junction 26-inch transmission pipeline in Leavenworth County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to George A. Mansfield.

Item 13: Tap on Applicant's Hogshooter-Grabham 16-inch transmission pipeline in Washington County, Oklahoma and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Mildred Middlebusher.

Item 14: Tap on Applicant's Soldier's Home 8-inch transmission pipeline in Leavenworth County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Thomas M. Scanlon.

Item 15: Tap on Applicant's Barber County 20-inch gathering pipeline in Woods County, Oklahoma and construct measuring, regulating and appurtenant facilities for delivery of natural gas to J. W. Surface.

Item 16: Tap on Applicant's McLouth Storage 2-inch pipeline in Leavenworth County, Kansas and construct measuring, regulating and appurtenant facilities for delivery of natural gas to Harry J. Walker.

Applicant states that presently it is anticipated that the sale to the customers in Items 6, 15 and 16 would be made by Applicant on a direct sale basis and the sale to the other 13 customers would be made to The Gas Service Company for resale to these customers.

Applicant estimates that the domestic usage by each of these customers would be approximately 250 Mcf of natural gas per year.

Applicant also estimates that the total cost of the proposed facilities to serve the right-of-way grantors would be approximately $10,167 which costs Applicant states would be financed from funds on hand.

Applicant states that all of the proposed customers have relied upon the provisions for said natural gas service as contained in their respective right-of-way easements and agreements and gas storage leases, as said provisions constituted a major portion of the consideration given them by Applicant in exchange for the voluntary grant of said easements.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 5, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426 a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to

appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9199 Filed 3-26-79; 8:45 am]

[6450-01-M]

DART OIL AND GAS CORP.

Determination By a Jurisdictional Agency Under the Natural Gas Policy Act of 1978

MARCH 19, 1979.

On March 13, 1979, the Federal Energy Regulatory Commission received notices from the jurisdictional agencies listed below of determinations pursuant to 18 CFR 274.104 and applicable to the indicated wells pursuant to the Natural Gas Policy Act of 1978.

STATE OF MICHIGAN, DEPARTMENT OF NATURAL RESOURCES

FERC Control No.—JD79-748; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Edwards 1-36 (32,139); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-749; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Edwards 4-30 (32,351); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-750; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Jenema 3-25 (32,174); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-751; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Molhoek 1-31 (31,967); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-752; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Molhoek 4-31 (32,132); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-753; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Powers 2-36 (32,223); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-754; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Tacoma 1-25 (32,017); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-755; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Tacoma 4-25 (32,175); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-756; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Tacoma 7-31 (32,163); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-757; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Tacoma 3-36 (32,421); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-758; API Well No.—None; Section of NGPA—102; Operator—Dart Oil & Gas Corp.; Well Name—Zuiderveen 1-30 (31,479); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

FERC Control No.—JD79-759; API Well No.—None; Section of NGPA—102; Operator—Dart Oil Gas Corp.; Well Name—Zuiderveen 7-30 (32,221); Field—Aetna; County—Missaukee; Purchaser—Consumers Power Co.; Volume—30 MMcf.

The applications for determination in these proceedings together with a copy or description of other materials in the record on which such determinations were made are available for inspection, except such material is treated as confidential under 18 CFR 275.206, at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Persons objecting to any of these final determinations may, in accordance with 18 CFR 275.203 and 18 CFR 275.204, file a protest with the Commission on or before April 11, 1979. Please reference the FERC Control Number in any correspondence concerning a determination.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9197 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. CP79-221]

NATIONAL FUEL GAS SUPPLY CORP.

Application

MARCH 20, 1979.

Take notice that on March 14, 1979, National Fuel Gas Supply Corporation (Applicant), Ten Lafayette Square, Buffalo, New York 14240, filed in Docket No. CP79-221 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for two years for National Fuel Gas Distribution Corporation (Distribution), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport on an interruptible basis between 30,000 and 75,000 dt equivalent of natural gas per day proposed to be sold by Distribution to Consolidated Edison Company of New York, Inc. (Con Ed), to be used as a fuel, in lieu of imported oil for the generation of steam and/or electric energy. Applicant would perform the proposed service by backing off the physical delivery of gas to Distribution and making such gas available to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Transcontinental Gas Pipe Line Corporation, and/or Texas Eastern Transmission Corporation for transportation and delivery to Con Ed. Deliveries by Applicant to the other pipelines would be made in Pennsylvania.

The instant application is filed as an alternative to and without prejudice to the application for a declaratory order filed by Applicant in Docket No. TC79-3. Applicant states that it desires and will accept authorization under the instant application or assurance requested in Docket No. TC79-3 that the proposed service would be within the contemplation of Section 311(a) of the Natural Gas Policy Act of 1978 without prejudice to Applicant in any future curtailment, market classification, or other proceeding. With respect to the instant application, Applicant likewise requests assurances from the Commission that, in any future curtailment, market classification, or other proceeding, its gas supply and market profiles will not include, to Applicant's detriment, the supply or market volumes of gas it receives from Distribution and transports to others for ultimate delivery to Con Ed.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 10, 1979, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to

become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9200 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-234]

PUBLIC SERVICE CO. OF INDIANA, INC.

Proposed Tariff Change

MARCH 15, 1979.

Take notice that Public Service Company of Indiana, Inc. (PSCI) on March 5, 1979, tendered for filing pursuant to the Kentucky-Indiana Power Planning and Operating Agreement between East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Company, and Kentucky Utilities Company.

PSCI states that said Amendment No. 5 increases the demand charge for Back-Up Power and Short Term Power from 60¢ per kilowatt per week to 70¢ per kilowatt per week. PSCI proposes an effective date of May 2, 1979.

Copies of this filing were served upon East Kentucky Power Cooperative, Inc., Indianapolis Power & Light Company, Kentucky Utilities Company, Public Service Commission of Indiana, and Public Service Commission of Kentucky, according to PSCI.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 30, 1979. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9201 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. ER79-85]

SIERRA PACIFIC POWER CO.

Order Accepting for Filing and Suspending Proposed Rates, Providing for Hearing, Granting Summary Judgment, and Granting Intervention

MARCH 16, 1979.

On November 30, 1978,[1] Sierra Pacific Power Company (Sierra Pacific) tendered for filing proposed changes in its FERC Electric Service Tariff, Volume 1, Schedule R, applicable to four total requirements and two partial requirements customers.[2] The proposed change in rates would result in increased annual revenues for jurisdictional sales and services of $846,820 (14.5%) based on projected sales for 12 months ending June 30, 1978. Sierra Pacific also seeks waiver of the notice requirement (18 CFR 35.11), to allow an effective date for this rate change of February 1, 1979.

Public notice of Sierra Pacific's filing was issued on December 12, 1979, with petitions or protests to be filed on or before December 29, 1978.

Four petitions to intervene were filed. The Pacific Gas & Electric Company (PG&E),[3] City of Fallon, Nevada (Fallon), CP National Corporation (CP National), and Truckee-Donner Public Utility District (Truckee-Donner), all resale customers of Sierra Pacific, protest the proposed rate as excessive, seek leave to intervene, and urge a suspension of the proposed increased rates for five months. In addition, the petitions set forth a number of specific objections to the cost of service and cost allocations, including the use of the superseded 48% federal income tax rate, which the petitions state should be rejected. The petitions also object to Sierra Pacific's request for waiver of the notice requirement to allow an effective date for the rate change of February 1, 1979.

Our review indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise-unlawful. Accordingly, we determine that the allegations presented in the submitted petitions present questions of law and fact more appropriately considered at hearing. We shall accept Sierra Pacific's submittal for filing and suspend the proposed rates for five months, subject to refund, and establish procedures for an evidentiary hearing on the issues involved in this filing.

PG&E, CP National, Fallon and Truckee-Donner shall be allowed intervention in this docket and may raise at hearing all of the issues alleged in their petitions to intervene.

With regard to the Federal Income Tax rate, we shall grant summary disposition and require that Sierra Pacific compute its tax expense on the basis of the 46% tax rate. However, we shall not order Sierra Pacific to refile to reflect the Federal tax change since the net benefit to the customer may not be more than the cost of refiling, which would ultimately be passed on to the consumer as a regulatory expense.[4]

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Section 402(a) of the Department of Energy Act and by the Federal Power Act, particularly Section 205, 206, 301, 307, 308, and 309 thereof, and pursuant to the Commission's Rules of Practice and Procedure and to the Regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness of the rate increase proposed by Sieraa Pacific in this proceeding.

(B) Pending such hearing and decision thereon, the proposed increased rates and charges filed by Sierra Pacific on January 16, 1979, are hereby accepted for filing, suspended and the use thereof deferred until August 13, 1979, when they shall become effective, subject to refund.

(C) The Federal Energy Regulatory Commission Staff shall serve top sheets in this proceeding on or before May 25, 1979.

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[1] By letter dated December 26, 1978, the Commission apprised the Company that the rate filing was deficient in several respects and that a filing date would not be assigned to the application until the deficiency was cured. On January 16, 1979, Sierra Pacific provided data necessary to complete its application.

[2] See Attachment A for rate schedule designation.

[3] The petition to intervene of the Pacific Gas & Electric Company was filed with the Commission on January 3, 1979.

[4] *Missouri Utilities Company*, Docket No. ER79-21, (February 2, 1979).

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at a prehearing conference in this proceeding to be held within ten (10) days after the service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The designated Law Judge is authorized to establish procedural dates and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(E) PG&E, Fallon, CP National and Truckee-Donner shall be permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission; *Provided, however,* that participation by such intervenors shall be limited to matters set forth in their petitions to intervene; and *Provided further,* that the admission of these intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(F) The 46% Federal Income Tax rate shall be used to compute Sierra Pacific's tax expense.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

ATTACHMENT A.—*Sierra Pacific Power Co.*
[Docket No. ER79-85]

Rate Schedule Designations Under FPC Electric Tariff, Original Volume No. 1

Filed: January 16, 1979.

Dated: Undated.

Designation	Supersedes
(1) Ninth Revised Sheet No. 4	Eighth Revised Sheet No. 4.
(2) Fifth Revised Sheet No. 5	Fourth Revised Sheet No. 5.
(3) Second Revised Sheet No. 5A	First Revised Sheet No. 5A.
(4) Sixth Revised Sheet No. 8	Fifth Revised Sheet No. 8.
(5) Fourth Revised Sheet No. 8A	Third Revised Sheet No. 8A.
(6) Seventh Revised Sheet No. 15	Sixth Revised Sheet No. 15.

[FR Doc. 79-9202 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. G-12446, et al]

TEXAS EASTERN TRANSMISSION CORP., ET AL.

Order Approving Settlements

MARCH 19, 1979.

In the matter of Texas Eastern Transmission Corp. (Docket No. G-12446); Continental Oil Co. (Docket No. CI66-890); Sun Oil Co. (Docket No. CI66-891); General Crude Oil Co. (Docket No. CI66-919) and M. H. Marr (Docket No. CI66-892); settlement of court litigation refunds (producer), gas supply (onshore), advance payment (to producers) mandate of court.

These proceedings concern a lease-sale of gas from the Rayne Field in Acadia Parish in Southern Louisiana by Continental Oil Company, Sun Oil Company, General Crude Oil Company and M. H. Marr (Producers) to Texas Eastern Transmission Corporation. They are before the Commission[1] after remand in *Public Service Commission of New York* v. *F.P.C.*, 543 F.2d 757 (CADC-1974), certiorari denied, 424 U.S. 910 (1976), a further hearing as provided by the Commission in its order of August 17, 1976, two settlement stipulations dated June 28, 1977, which were certified to the Commission by Presiding Administrative Law Judge Michel Levant on June 30, 1977, and comments filed. Marr in Docket No. CI66-892, having an interest amounting to 8.404469 percent in the transferred Rayne field leaseholds, did not participate in the negotiations leading to these settlement agreements and did not join in them. However, on January 20, 1978, the Public Service Commission of the State of New York filed a settlement with Marr, dated January 1, 1978, as discussed below.

On November 23, 1977, Continental, Sun and General Crude (Continental et al.) filed a motion requesting that the Commission consider the stipulation which covers the producer issues. An answer by the staff asked the Commission to prescribe the filing of briefs and expressed the belief that the proposal was not in the public interest. Replies were filed by the staff, Texas Eastern, Continental, et al., Algonquin Gas Transmission Company, and the Public Service Commission of New York (New York). The Commission on March 28, 1978, determined to consider the settlement stipulations relating to all four producers and the settlement relating to Texas Eastern, after allowing opportunity for the receipt of comments on the Marr settlement.

These proceedings were initiated when on April 22, 1957, Texas Eastern applied for a certificate to effect a conventional sale from the Rayne Field reserves at a price of 22.6 cents per Mcf plus 1.3 cents tax reimbursement. Later the proposal was amended so that under a lease-sale agreement of December 4, 1958, the Producers tranferred to Texas Eastern certain oil and gas leases, gathering lines and other equipment in the Rayne Field. The consideration was to be $134,395,700 of which $12,420,500 was paid in cash and the remainder in serial notes payable in monthly installments over a 16 year period ending in 1975. Texas Eastern was to make a monthly production payment to the Producers, and Continental was to operate the field. The Commission found that during the early years of the contract, 1959-1967, the resulting price amounted to 23.5 cents per Mcf which was in excess of the then in-line price of 20 cents per Mcf[2] and the just and reasonable price of 18.5 cents per Mcf effective October 1, 1968.[3]

The Commission approved the transaction on June 26, 1959, but was reversed in *P.S.C. of N.Y.* v. *F.P.C.*, 287 F.2d 143 (CADC-1960) because of its failure to consider adequately the reasonableness of the cost to the pipeline. On remand the Commission on February 6, 1963, in Opinion No. 378 (29 FPC 249, 256) determined that it had jurisdiction over the lease-sale transaction and disapproved the arrangement saying that it made regulation difficult and was not in the public interest. The Commission was eventually affirmed by the Supreme Court in *United Gas Improvement Co.* v. *Continental Oil Co.*, 381 U.S. 392 (1965). Thereafter the Producers on March 24, 1966, filed applications for certifi-

[1] This proceeding was commenced before the Federal Power Commission (FPC). By the joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the FERC. The term "Commission", when used in the context of action taken prior to October 1, 1977, refers to the FPC; when used otherwise, the reference is to the FERC.

[2] An "in-line" price was one prescribed by the Commission in certification proceedings before the determination of just and reasonable area rates for producers and was based on other sales in the area. See the *CATCO* case, *Atlantic Refining Co.* v. *F.P.C.*, 360 U.S. 378 (1959).

[3] *Southern Louisiana Area Rate Proceeding* Opinion No. 546, 40 FPC 530 (1968), Opinion No. 546-A, 41 FPC 301 (1969), aff'd sub nom. *Austral Oil Co.* v. *F.P.C.*, 428 F.2d 407 (CA5-1970), *cert. denied* 400 U.S. 950 (1970).

cates presenting the lease-sale arrangement, but on March 10, 1967, they agreed to reimburse the pipeline for the amount by which the production from the field eventually fell short of 814,399,000 Mcf.

The Commission issued its Opinion No. 565 on August 16, 1969, based upon a hearing Judge's decision and a voluminous record.[4] The Commission found that because of a lack of certainty over the life of the Field, the lease-sale arrangement should be modified so that until the purchase price of $134,395,700 was paid by Texas Eastern it would be equivalent in economic effect to a conventional sale at the just and reasonable price of 18.5 cents per Mcf. After that Texas Eastern would make no further payments. The Commission also granted certificates to the Producers and Texas Eastern; provided for refunds by the Producers based on a price of 20 cents per Mcf [5] to October 1, 1968, the effective date of the *Southern Louisiana* decision, determining just and reasonable rates applicable to the Rayne Field, and 18.5 cents thereafter; ordered Texas Eastern to flow through the refunds to its customers to the extent the excess Rayne Field costs were borne by them; provided accounting by which remaining Rayne Field cost balances on Texas Eastern's books would be amortized after the Producers had received their contract price; and required the filing of rates by Texas Eastern to reflect reduced Rayne Field costs.

On rehearing in Opinion No. 565-A issued September 29, 1970,[6] the Commission modified its conditions. Because the Producers would be paid over a longer period under Opinion No. 565 than under the original lease-sale arrangement the Commission determined that the Producers should be paid for the gas and receive credit for the liquids produced until the field is exhausted. Further, while the Producers had been required in Opinion No. 565 to file rates based on the 18.5 cent area rate, the Commission pointed out this rate was subject to further proceedings and provided that the producer rate schedule filing should be on the basis of the 20 cent in-line price. The Commission also determined that the just and reasonable rate, whatever that should be, should determine refunds both before and after October 1, 1968, but deferred all refunds.

On appeal in *P.S.C. of N.Y., supra*, the Court held that the Commission's attempt to extend Texas Eastern's payments over the life of the field should be set aside; that the just and reasonable 18.5 cent area rate should have been used for rates and immediate refunds, although subject to litigation, rather than the 20-cent in-line price; that lengthening the period of payments gave the producers less than their bargain without justification and they should be compensated for the time-value of money; that rate reductions and refunds should not have been deferred; that they should have been flowed through by Texas Eastern; and that the Commission was not arbitrary or unreasonable in requiring Texas Eastern to flow through only that part of the producer refunds which represented the excess producer charges and allowing Texas Eastern to retain the balance to reduce its investment in the Field.

The Court remanded the proceedings and instructed the Commission (a) to increase, beyond the lease-sale contract price, the amount which Texas Eastern must pay to compensate for the time-value of money, (b) to utilize the existing 18.5-cent area rate for producer refunds up to August 1, 1971, (c) to compute, after due regard for Texas Eastern's Rayne Field investment, the amount of producer refunds to be flowed-through by Texas Eastern up to August 1, 1971, on the basis of the 18.5 cent area rate, (d) to update computations, and (e) to order all proper rate reductions and refunds to be made and flowed through at the earliest practicable times. The Court denied rehearing with a further opinion expanding its views (543 F.2d. 830, CADC-1975).

As a result of the Court's decision and pursuant to Commission order a further hearing was held in January and June 1977. At the end of the hearing the settlement stipulations relating to Continental et al. and Texas Eastern were presented and were certified to the Commission by the Judge.

The Continental and Texas Eastern Settlement Proposals

The Continental *et al.* settlement provides, briefly, as follows:

(1) Each of the producers is to refund to Texas Eastern its proportionate share of $60 million [7] in full satisfaction of its refund liability, together with interest accrued upon its proportionate share of $32 million (representing an imputed principal portion of such $60 million), at an annual rate of 9 percent, beginning August 1, 1977.

(2) Each of the producers will be permitted to withdraw their agreements of March 10, 1967, to reimburse the pipeline in case of a gas shortage.

(3) Texas Eastern will continue to pay the producers on the conventionalized basis at applicable area and national rates.

(4) The producers will continue to receive revenues from the sale of liquids, but if these do not permit recovery of their Rayne Field costs, the producers may apply for special relief and, if this is denied, may assign to Texas Eastern all their rights in gas and liquids in the Rayne Field leaseholds involved.

(5) The producers waive their claim for the original leasehold sale price plus an additional sum as compensation for the time value attributable to the deferral of payment of such price, that was awarded by the court.

(6) Texas Eastern shall have the right to make a call on gas and to purchase gas attributable to each producer's interest in certain properties listed, both onshore and offshore.

The Texas Eastern settlement provides:

(1) After receipt of Rayne Field refunds totaling at least $32,895,256 (representing its unrecovered Rayne Field investment) Texas Eastern shall pay to its customers their allocable shares less $24,798,714.

(2) For accounting purposes, Texas Eastern will write off $24,798,714 of its unrecovered investment immediately and the remaining $8,096,542 over a five-year period, at the end of which it will file a rate reduction to reflect the removal of the investment from its rate base.

(3) During a period of five years Texas Eastern shall make expenditures totaling $32,895,256, with interest, for developing additional onshore gas reserves.

Comments objecting to the Continental and Texas Eastern settlements were filed by the staff on July 22, 1977, and comments in support of the settlement were filed by New York, Consolidated Edison Company of New York, Inc., Continental et al., The Brooklyn Union Gas Company, and Texas Eastern, followed by reply comments from those parties and from Morton L. Simons, who represented New York in the appeal and objects to the settlement. The supporters of the settlement dwell generally on the length of the litigation and the extensive settlement negotiations, the immediate refund without the delay of further litigation, and the promise of more gas for Texas Eastern's customers. The discussion below on the issues raised by the settlement is premised on the nature of the settlement as a package deal, *i.e.*, all terms must be considered with all other terms.

Objections to the Settlements of Continental and Texas Eastern

The staff asserts that the evidence shows that the consumers are presently entitled to a cash refund of $76,426,000, including interest to August 1, 1977, (See Ex. 6'), and that

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[4] *Texas Eastern Transmission Corporation et al.*, 42 FPC 376, Opinion No. 565 (1969).

[5] The Commission adopted the Administrative Law Judge's determination that 20 cents was the appropriate in-line price for gas sold under 1958 contracts.

[6] 44 FPC 1079.

[7] Excluding Marr this is $55 million.

full litigation of this case before the Commission can be readily concluded in six months. After excluding the interest of Marr (8.404469%) the total would be $70,003,000 [8] and this should be compared with the settlement refund of $55 million.

New York argues that this cash offer is significant and persuaded New York to settle although the offers by Continental *et al.* of a right of first call on a number of leases is valuable in view of Texas Eastern's curtailment status. Texas Eastern believes that under the D.C. Circuit's opinion the producers owe either no refunds at all or much less than the settlement amount and says that the settlement figure of $55 million represents a compromise between litigating positions that is heavily weighted in favor of the position taken by New York, Texas Eastern, its customers and staff. Continental *et al.*, argue that they should not have to pay any refund, since any refunds should be offset against future higher prices otherwise required to permit them to recover the time value equivalent of the total agreed consideration of the lease sale.[9] If they must pay a refund, it should be about $25 million [10] and not include interest since they had no knowledge of the possibility of refunds until after deliveries from the Rayne Field had commenced, and it was not until later that they were determined to be subject to the Commission's jurisdication.[11] If interest is due, they say, the refund should be limited to $38 million. Brooklyn Union does not think that further litigation will produce any greater or more immediate refunds.

In view of the right given Texas Eastern to call on gas from new leases, and the agreement by Continental *et al.* to waive the right given by the Court to compensate for the time value of money [12] together with the delay and hazards of litigation, the refund settlement figure $55,000,000 for Continental *et al.* is, in our opinion, reasonable. It is clear that the litigation would extend far beyond the six months contemplated by the staff.

Staff says that it has evaluated the leases on which the producers have offered a call to Texas Eastern. It says that except for 3 wells in Mississippi offered by Sun Oil Co., all leases are offshore in the Federal Domain, which are, in any case, dedicated to the interstate market and that all of the offshore properties evaluated, on which reserve information was submitted, include dry holes or undeveloped properties.

Continental *et al.* say that these properties are reasonably deemed potentially productive of natural gas and, indeed, some are already producing natural gas under emergency sales onshore Mississippi, and a producing platform is now being located on one of the properties offshore Louisiana. The record shows possibilities and some production but not a situation on which we could rely strongly.

Appendix A of the settlement agreement [13] shows four offshore blocks in which Continental has an interest. The record shows (as of June 28, 1977) that a platform has been set and drilling would start soon on West Cameron Block 222; a dry exploratory well had been drilled on West Cameron Block 221; but there was a possibility of further drilling. A dry test well had been drilled in West Cameron Block 488. A test well or exploration well had been drilled in Vermilion Block 146, but evaluation had not been completed.[14]

Sun offers three onshore wells in Mississippi. One called the G. L. Deen Well was shown to have deliverability of 5.9 million cubic feet per day and reserves of 4.9 Bcf; another called D. R. Deen has 4.5 Bcf of reserves; a third well, Carraway No. 1, has not been fully evaluated, but it was expected to be similar.[15] As to Sun's offshore wells, on Eugene Island 256 and South Marsh Island Block 143 platforms had been set and drilling was in progress. On South Marsh Island Block 111 a single well had been attempted but had not reached the projected sand. Another exploratory well was not scheduled.[16]

General Crude had offered two offshore wells. A dry hole had been drilled in West Cameron Block 98, and no wells had been drilled in Block 99. The witness understood that General Crude intended to drill Block 99, independently of Block 98.[17] We conclude that the gas call program, while not clearly quantifiable, is a plus factor for the settlement in providing more gas for consumers and, because of greater volumes, in lowering the unit cost of transportation.

Staff further charges that, in addition to reducing the refund, Producers will be relieved of a $45,000,000 obligation for underproduction of the Rayne Field reserves. As staff indicates, in order to obtain certificates, the Producers undertook to assume the risk of a reduction of the Rayne Field reserves below the estimated quantity of 830,648 Mmcf at 14.73 psia (814,339 Mmcf at 15.025 psia).[18] They agreed in 1967 that they would pay Texas Eastern 20.220 cents per Mmcf (14.73 psia) or 20.625 cents per Mcf (15.025 psia) for the amount of production below the estimated quantity.[19] Based on the presently estimated four-party interest after royalty of 596,084 Mcf,[20] it is contemplated that the four-party Producers would pay about $45 million in 1991.[21]

New York responds that the staff has not shown why this obligation on the part of the Producers is appropriate in the context of a traditional gas sale. We agree with this view. If the Rayne Field reserves are less than contemplated, this means that, in the absence of a settlement, the refund computation would be affected, and we will assume that under the settlement this factor was taken into account. Under the settlement the Producers will continue to receive payment for the gas produced at the just and reasonable rate and will not receive payment for gas not delivered. The payment of $45 million for unavailable gas would serve to reduce the rate received by the Producers below the just and reasonable rate. It would also appear that the gas call program discussed above could offset, or more than offset, relieving the producers of their $45,000,000 obligation.

With respect to Texas Eastern the staff argues that the failure of these proposals to include a 0.3 cent per Mcf reduction on Texas Eastern's rates is an inflationary overcharge which the staff believes is contrary to the public interest. Over a five-year period the staff says this overcharge will amount to $(0.293 \times 734 \text{ Bcf} \times 5) = \$10.8$ million.

According to Texas Eastern's explanation in the record here [22] using the national rate for the Rayne Field volumes in Docket No. RP75-73 instead of the costs on which the rate filing was based would result for illustrative purposes in a rate reduction of .293 cents per dekatherm. The amount, however, becomes .257 cents per dekatherm because of a reduced rate of return under the settlement approved by the Commission in Docket No. RP75-75. The rate reduction will be put into effect, according to the settlement, when Texas Eastern has written off the remaining $8,096,542 of its investment during the five-year period.

Staff further argues that the settlement provision which permits Texas Eastern to retain $32.9 million in its rate base for development of oil and gas reserves represents an illegal ad-

[8] See Ex. 42', p. 3.
[9] Tr. 75, 308.
[10] See Ex. 2'.
[11] Tr. 72-73.
[12] Producers compute that the worth as of June 30, 1976, of the time value of the note payments over conventionalized payments is $1,255,622 (Ex. 2', Sch. 2).
[13] Ex. 42'.
[14] Tr. 1095-96.
[15] Tr. 1129, 1139.
[16] Tr. 1130-31.
[17] Tr. 1143-44.
[18] Tr. 61.
[19] Ex. 11.
[20] Tr. 351.
[21] Tr. 506, 814-596 Bcf = 218 Bcf multiplied by 20.625 cents per Mcf (Tr. 352).
[22] Tr. 1150-52; See Commission order in *Texas Eastern Transmission Corp.* —— FPC ——, Docket No. RP75-73, issued June 6, 1977, which, however, does not deal specifically with the problem.

vance payment program, for on December 31, 1975, all new advance payment programs were halted.[23] Staff adds that Texas Eastern does not propose to reduce the cost of gas to the consumer if any is found, and that this is double-charging.

New York argues that the $32.9 million really represents Texas Eastern's unrecovered investment rather than an advance payment. There was a genuine risk, New York believes, that Texas Eastern might recover the entire amount out of producer refunds and not be obliged to return any of it to the customers, but by the compromise an exploration and development fund will be established for the benefit of the interstate market from the unrecovered investment. Texas Eastern also supports the E&D program and points out that the Commission has authorized an exploration fund as part of a settlement of which 75 percent would be included in the rate base for the purposes of the settlement. *El Paso Natural Gas Co.*, Docket Nos. RP72-150 *et al.*, issued February 16, 1977. In our opinion what is proposed here is a settlement of Texas Eastern's investment in connection with the flow-through of refunds and does not come within the prohibitions of the order of December 31, 1975, in Docket No. R-411.

The $32.9 million figure representing Texas Eastern's Investment in the Rayne Field is well established by the record. The Commission found that as of December 31, 1967, Texas Eastern's books showed the investment to be $20,822,996 (42 FPC at p. 398). The Commission in Opinion No. 565 provided that Texas Eastern must flow through part of the Producers' refund and permitted Texas Eastern to apply the remainder of the refund in reduction of its investment; in the later stages of operation of the field the Commission permitted Texas Eastern to amortize the balance of its investment.

The Court of Appeals was of the opinion that the facts on which the Commission rested its flow-through disposition were well-supported and that there was no reason to disturb the Commission's conclusion that some $20 million of Texas Eastern's unrecovered Rayne Field expenditures had been properly capitalized. Because of the deferral of refunds made by Opinion No. 565-A the Court, however, remanded the matter of refunds and flow-through, recognizing that a portion of the refunds might be retained by Texas Eastern.

Texas Eastern in the present remanded proceeding now shows that as of June 30, 1976, its investment in the Rayne Field would amount to $32,895,256,[24] and this amount represents the updated figure of $20,822,996 employed by the Commission in Opinion No. 565.[25] Texas Eastern's position is that its investment in the Rayne Field was prudent and that it is entitled to retain $32,895,256 out of the producer refunds to recover its investment fully and immediately. Under these circumstances we find that Texas Eastern gave up part of an arguable claim in agreeing to write off $24,798,714 of its unrecovered investment immediately, amortize the remaining $8,096,542 over five years, and make expenditures totally $32,895,256, with interest for developing additional onshore gas reserves.[26]

Nor do we agree that Texas Eastern is double-charging if it does not reduce its rates when gas is found. The settlement provides a means, on which the parties have agreed, by which the refunds from the Producers will be used to write off and amortize and then remove from its rate base an amount of $32.9 million in Rayne Field investments. The cost of the new gas is a separate matter. The settlement agreement provides that it would be sold to Texas Eastern at the then applicable area or nationwide rate.

The Marr Settlement

After extensive negotiations among New York, Marr, Texas Eastern and those of Texas Eastern's customers who have been active in these proceedings a stipulation and agreement was reached with Marr and, as noted, has been submitted to the Commission by New York's motion of January 20, 1978, for its consideration and approval.[27] Its terms are, briefly, as follows:

(1) Marr agrees to give to Texas Eastern the remaining gas and liquids in Marr's Rayne Field leasehold interest (8.404469 percent) produced on or after January 1, 1978. Revenues collected by Marr from Texas Eastern for gas and liquids on or after January 1, 1978, until the date on which the Commission's order approving the stipulation is final and nonappealable shall be placed in an interest-bearing escrow account.

(2) Within 15 days after such approval Marr shall refund to Texas Eastern either $300,000 or the total amount, including interest, held in the escrow account, whichever is greater.

(3) Texas Eastern shall have the right to purchase gas from Marr's interests in the South Rayne Field, Louisiana, and this shall constitute a covenant running with such interest binding Marr's successors. Marr is presently selling its South Rayne gas to intrastate buyers under contracts terminating July 1, 1978, and shall have the right to continue intrastate sales until the approval date of the stipulation.

(4) The South Rayne gas will be offered to Texas Eastern at the effective area or nationwide rate, but Marr shall have the right to seek special relief.

(5) The stipulation shall not become effective until the FERC shall enter a final order approving all of the terms without modification but the parties may waive modifications.

(6) As a negotiated dollar settlement neither the parties, the Commission nor the staff shall be deemed to have approved any underlying principles.

Objections to the Marr Settlement

Comments and responses approving the settlement were filed by Texas Eastern, Brooklyn Union Gas Company, Consolidated Edison, and New York. However, opposition to the settlement was expressed in filings by the Commission staff and Simons.

The staff again observes that the four producers owe refunds of $76,426,000 as of August 1, 1977, of which Marr's share under the Court's mandate is $6,410,000.[28] For this, the staff says, the public may receive $300,000; no other benefit to the public is ascertainable, since the staff was unable to obtain the reserve and contract data on Rayne Field or South Rayne Field.

As stated by the other commentators, particularly New York, estimates for Marr's Rayne Field interests range from approximately 2.7 Bcf to over 5 Bcf. Assuming the lower figure and the price of 42.5 cents per Mcf for this

[23] *Accounting and Rate Treatment of Advances*, —— FPC ——, Docket Nos. R-411 and RM74-4, issued December 31, 1975.

[24] Tr. 207, Ex. 9'.

[25] Tr. 912-913.

[26] We are aware that under the Natural Gas Policy Act of 1978 intrastate sales will not have the economic advantage that they had formerly so that an offer of onshore reserves is no longer as valuable, but it still remains of advantage to Texas Eastern's customers.

[27] After the filing of the Marr stipulation on January 20, 1978, the Commission staff filed an answer with the Judge urging that the settlement be rejected and asking for a conference. Noting that New York's motion transmitting the stipulation had been filed with the Commission, the Judge found a conference unnecessary, but said that staff counsel was not precluded from conferring informally with the parties in order to obtain any information needed for the preparation of its comments.

By letter of February 23, 1978, staff counsel thereupon requested extensive information from Marr's counsel on its interests in the South Rayne Field, as well as in the Rayne Field. Marr's counsel stated that he could not provide this detailed information on the South Rayne Field, for Marr is not the operator of five wells in which it has an interest. Rather, Continental is the operator of three of them and Sun Oil Company is the operator of two. He invited staff counsel to come to the office of Marr in Dallas, Texas, where his books and records would be made available.

[28] See Ex. 6'.

gas, the provision for deliveries of this gas without charge could represent a saving of $1.15 million for the gas and an additional $1.5 million for the liquids. In addition, Texas Eastern has been given the right to purchase all gas in Marr's interests in the South Rayne Field, and estimates range between 26 and 29 Bcf.

New York argues that the immediate refunds from Marr's remaining gas and liquids in Rayne Field combined with Texas Eastern's right to purchase gas from Marr's interests in South Rayne balances the consumer interests with Marr's particular circumstances. Cognizant as we are of the length and complicated issues involved in this litigation, we agree with New York that resolution by settlement would be the most appropriate disposition of the Marr issues here.

SETTLEMENTS AND THE COURT'S MANDATE

In comments on August 8, 1977, and April 20, 1978, Simons who represented New York in the Court litigation, contends that the settlements do not comply with the Court's mandate and must be rejected. He notes particularly that the Court instructed the Commission "to order all proper rate reductions and refunds to be made and flowed through at the earliest practicable times." It is obvious that the settlements are not literally consistent with the Court's mandate, but have been evolved to compromise the incompletely resolved contentions of the parties.

The Court had required a computation of refunds, giving the Producers credit for the time value of money. The staff says that refunds due from the four Producers, with accrued interest up to August 1, 1977, would amount to $76,426,000 including Marr's gas. However, the Producers contend that the refunds should not exceed $24,918,375 without interest and, further, that no refunds should be required because they should be offset against future higher prices required to permit them to recover the time value equivalent of the Rayne Field contract consideration. Thus the amount of the refunds in controversy were never determined by the Court. Reducing the refunds and at the same time making additional gas reserves available to Texas Eastern presents a different proposition to the Court and one that was not encompassed within its mandate.

In *Utah Public Service Commission* v. *El Paso Natural Gas Co.*, 395 U.S. 464 (1969), cited by Simons, the Court objected to the District Court not following its mandate with respect to complete divestiture by El Paso of its Northwest Division although all the parties, except one, had agreed to a settlement. There the Court was clearly concerned with protecting competition for the California gas market in the public interest. In the present case the Court is concerned with an equitable solution with respect to the parties as well as protecting the consumers of the gas. The settlements here have been agreed to by all parties, except the staff and Simons, some representing consumer interests. Further, the settlements are, in our opinion, designed to protest the consumer interests, as well as those of the parties. The settlements are reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act and should be approved and made effective.

The Commission orders:

The Continental, *et al.*, Texas Eastern and Marr settlement agreements as referred to above are incorporated by reference and made a part of this order and are hereby approved and adopted.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9203 Filed 3-26-79; 8:45 am]

[6450-01-M]

[Docket No. TC79-47]

TEXAS GAS TRANSMISSION CORP.

Tariff Filing

MARCH 22, 1979.

Take notice that Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, on March 20, 1979, tendered for filing Fifth Revised Sheet No. 92-C, first revised Sheet No. 92-CC, and Original Sheet No. 92-CCC to its FERC Gas Tariff, Third Revised Volume No. 1 pursuant to Part 281, Subpart A, Subchapter I, Chapter I of Title 18, Code of Federal Regulations, promulgated by the Commission's Interim Curtailment Rule issued on March 6, 1979, in Docket No. RM79-13 to implement section 401 of the Natural Gas Policy Act. this filing which Texas Gas proposes to put into effect during the period starting on April 1, 1979, until October 31, 1979, prescribes that curtailments pursuant to Texas Gas' FERC Gas Tariff shall be subject to adjustment to the extent necessary to supply certified essential agricultural uses or high priority uses.

The pertinent section of Texas Gas' proposed interim tariff filing submitted herein in as follows:

10.7 *Relief from curtailment for high priority users and essential agriculture users:* Seller shall adjust curtailment or make additional volumes of natural gas available pursuant to this section, to the extent necessary to provide relief to high priority users and essential agricultural users as those terms are defined in § 281.103(5) and § 281.103(7) of the Federal Energy Regulatory Commission's (Commission) Regulations under the Natural Gas Policy Act of 1978 (NGPA). Seller shall take such action in accordance with the standards, procedures and computations set forth in §§ 281.101 through 281.111 of the Commission's Regulations under the NGPA. A curtailment adjustment made in accordance with this tariff provision shall be reduced by Seller, in an equitable manner, if such adjustment would result in the reduction of deliveries to those parties and under those conditions set forth in §§ 281.108(b)(1), 281.108(b)(2) and 281.108(b)(3) of the Commission's Regulations under the NGPA.

The tariff filing by Texas Gas adopts and incorporates by reference the regulations set forth in 18 CFR 281.101 through 281.111 to provide that Texas Gas' plan for the curtailment of deliveries, to the maximum extent practicable, does not cause curtailment of deliveries of natural gas for essential agricultural and high-priority uses.

In accordance with the finding and determination by the Commission in the order issued March 6, 1979, in Docket No. RM79-13 (44 FR 13464, March 12, 1979), that good cause exists for waiver of the 30-day notice required by section 4 of the Natural Gas Act and § 154.22 of the Regulations thereunder, the tendered tariff sheet shall be accepted for filing to be effective April 1, 1979, without further order of the Commission unless suspended on or before March 31, 1979, in accordance with section 4 of the Natural Gas Act.

Any person desiring to be heard or make any protest with reference to said tariff filing should on or before March 27, 1979, file with the Federal Energy Regulatory Commission, Washington, D. C. 20426, a petition to intervene or a protest in accordance with the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). No requests for extension of this time will be entertained. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 79-9204 Filed 3-26-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1082-1; PP8G2086/TI88]

ETHOFUMESATE

Establishment of a Temporary Tolerance

Fisons, Inc., Agricultural Chemicals Div., Two Preston Court, Bedfrod, MA 01730, submitted a pesticide petition (PP 8G2086) to the Environmental Protection Agency (EPA). This petition requested that a temporary tolerance be established for combined residues of the herbicide ethofumesate (2-ethoxy-2,3-dihydro-3,3-dimethyl-5/benzofuranyl methanesulfonate) and its metabolites 2-hydroxy-2,3-dihydro-3,3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3-dimethyl-2-oxo-benzofuranyl in or on the raw agricultural commodity red beets at 0.5 part per million (ppm). This temporary tolerance will permit the marketing of the above raw agrucultural commodity when treated in accordance with an experimental use permit (10065-EUP-12) that has been issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136)

An evaluation of the scientific data reported and other relevant material showed that the requested tolerance was adequate to cover residues resulting from the proposed experimental use, and it was determined that the temporary tolerance would protect the public health. The temporary tolerance has been established for the pesticide, therefore, with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Fisons, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires July 30, 1980. Residues not in excess of 0.5 ppm remaining in or on red beets after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Ms. Willa Garner, Product Manager 23, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington D.C. 20460 (202/755-1397).

Dated: March 19, 1979.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 79-9113 Filed 3-26-79; 8:45 am]

[6560-01-M]

[FRL 1081-8; PF-123]

PESTICIDE PROGRAMS

Filing of Pesticide Petition

Elanco Products Co., P.O. Box 1750, Indianapolis, IN 46206, has submitted a petition (PP 9F2172) to the Environmental Protection Agency (EPA) which proposes that 40 CFR 180.207 be amended by establishing a tolerance for residues of the herbicide trifluralin (α,α,α-trifluoro-2,6-dinitro-*N,N*-dipropyl-p-toluidine) in or on the raw agricultural commodity group grain crops with a tolerance limitation of 0.05 part per million (ppm). The proposed analytical method for determining residues is by gas liquid chromatography. Notice of this submission is given pursuant to the provisions of Section 408(d)(1) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M St., SW, Washington, DC 20460. Inquiries concerning this petitions may be directed to Product Manager (PM) 23, Registration Division (TS-767), Office of Pesticide Programs, at the above address, or by telephone at 202/755-1397. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: March 19, 1979.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 79-9114 Filed 3-26-79; 8:45 am]

[6560-01-M]

[FRL 1081-6; PP5G1582/T191]

PESTICIDE PROGRAMS

Renewal of a Temporary Tolerance; *S*-[(4-Chlorophenyl)methyl]diethylcarbamothioate

On January 30, 1976, the Environmental Protection Agency (EPA) announced (41 FR 4636 the establishment of a temporary tolerance for combined residues of the herbicies *S*-[(4-chlorophenyl)methyl] diethlcarbamothioate and its metabolite 4-chlorobenzyl methlsulfone in or on the raw agricultural commodity rice grain at 0.1 part per million (ppm). This temporary tolerance was established in response to a presticide petition (PP 5G1582) submitted by Ortho Div., Chveron Chemical Co., 940 Hensley St., Richmond, CA 94804. The tolerance expired January 26, 1977.

Chevron Chemical Co. requested a 17-month renewal of this temporary tolerance both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permit 239-EUP-77 that has been renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972, 1975, and 1978 (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance would protect the public health. Therefore, the temporary tolerance has been renewed on condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Chevron Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires May 31, 1980. Residues not in excess of 0.1 ppm remaining in or on rice grain after this expiration date will not be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimen-

tal use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to Ms. Willa Garner, Product Manager 23, Registration Division (TS-767), Office of Pesticide Programs, 401 M St., SW, Washington, DC 20460 (202/755-1397).

(Section 408(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: March 19, 1979.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 79-9116 Filed 3-26-79; 8:45 am]

[6560-01-M]

[FRL 1082-4]

TOXIC POLLUTANT LIST

Guidance on Factors To Be Addressed in Petitions to Revise

On January 31, 1978, the Environmental Protection Agency, pursuant to section 307(a)(1) of the Federal Water Pollution Control Act as amended by section 53(a) of the Clean Water Act of 1977, published a list of 65 toxic pollutants (43 FR 4109). As stated in that notice, the Administrator may revise the list and is authorized to add or remove pollutants taking into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms. The January 31 notice also contained a statement to the effect that petitions for modification of this list should include sufficient information to support the proposed modification.

The purpose of this notice is to provide guidance relating to the information necessary to support any petition to the Environmental Protection Agency for a change in the toxic pollutant list.

The information factors to be addressed by a petitioner include, but are not necessarily limited to, the following:

1. Toxicity of the pollutant

a. Acute (96-hour LC50) toxicity to freshwater and marine organisms;

b. Maximum acceptable toxicant concentration to freshwater and marine organisms;

c. Embryo-larval and egg-fry tests on freshwater organisms;

d. Information on dose-related, lethal or chronic sub-lethal effects on man, nonhuman mammals, vertebrates including aquatic vertebrates, and other aquatic organisms;

e. Information relating to known or suspected carcinogenicity, teratogenicity, and mutagenicity in man or in other animals.

2. Persistence of a pollutant including mobility and degradability in water of the substance.

3. Bioconcentration, bioaccumulation and biomagnification of a pollutant or of its degradation products or metabolites.

4. Synergistic propensities and effects of the pollutant.

5. Water solubility and octanol-water partition coefficient determinations for the pollutant.

6. Extent of point source discharges into water including qualitative presence and quantitative concentrations of the pollutant in effluents, ambient water, benthic sediments, fish and other plant and animal aquatic organisms.

7. Potential exposure of persons to the pollutant through drinking water, surface water, fish or shellfish consumption. Potential exposure of aquatic organisms and wildlife to the pollutant.

8. Annual production of the pollutant in the United States.

9. Use patterns.

10. The capability of analytical methods to identify and quantitatively determine the presence of the pollutant in ambient water or wastewaters.

If data for any of the above are not known, the petition should indicate this fact.

All significant information that is known to the petitioner regarding either a quantitative or qualitative measure for description of the above information factors, or that may relate to an assessment of the merit of the petition, shall be submitted as a part of the petition.

To aid in defining any of the above terms, the reader is referred to the guidelines for deriving water quality criteria for the protection of aquatic life that were published by EPA on May 18, 1978 (43 FR 21506).

Public comment is invited on this notice and should be directed to Kenneth M. Mackenthun, Director, Criteria and Standards Division, WH-585, 401 M Street SW., Washington, D.C. 20460, telephone (202) 755-0100.

Dated: March 12, 1979.

THOMAS JORLING,
Assistant Administrator for
Water and Waste Management.

[FR Doc. 79-9111 Filed 3-26-79; 8:45 am]

[6560-01-M]

[FRL 1011-8]

LIST OF TOXIC POLLUTANTS

Petition To Remove Aromatic Haloethers

AGENCY: United States Environmental Protection Agency.

ACTION: Notice of receipt and proposed denial of petition to remove aromatic haloethers from list of toxic pollutants under section 307(a) of the Clean Water Act, as amended, 33 USC 1317(a).

SUMMARY: This action gives notice of receipt of a petition from the Dow Chemical Company to remove aromatic haloethers from the toxic pollutant list. It reviews information available to the Agency regarding these chemicals, and proposes that aromatic haloethers be retained on the toxic pollutant list.

DATES: Public comments on this petition will be received until May 29, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202-755-0100).

SUPPLEMENTARY INFORMATION: This notice responds to a petition received on June 7, 1978 from Dow Chemical requesting that aromatic haloethers, found under the general class haloethers, be removed from the toxic pollutant list. The argument presented by Dow was that aromatic haloethers fail to meet EPA's criteria for listing chemicals as toxic pollutants under section 307(a)(1) of Pub. L. 92-500. The petition also asserted that leaving these substances on the list dilutes the Agency's efforts and diverts attention from more serious environmental issues, introduces unwarranted barriers to the introduction of new products containing the compounds, and results in needless expenditures of funds by industry and Government for expensive monitoring, analysis, and reporting.

In support of its assertion that haloaromatic ethers do not meet EPA criteria for listing under section 307(a), Dow made the following assertions: (1) With the exception of bromophenylphenyl ether, haloaromatic ethers have not been reported in point source effluents, in aquatic environments, in fish, in drinking water, or anywhere else in the environment. (2) Haloaromatic ethers are not manufactured or sold in significant quantities in the U.S. (3) Haloaromatic ethers are not expected to be persistent in the

aquatic environment because they tend to volatilize from water and will be attacked by hydroxyl radicals in the atmosphere and be degraded. (4) One member of this group of compounds, chlorophenylphenyl ether, has been reported to be rapidly biodegraded in aquatic environments. (5) No evidence has been cited for the carcinogenicity, teratogenicity, or mutagenicity of haloaromatic ethers. In support of its petition, Dow Chemical submitted two references: Branson, D. R. 1977, "A new capacitor fluid—a case study in product stewardship," pages 44-61 in F. L. Mayer and J. L. Hamelink, eds., Aquatic Toxicology and Hazard Evaluation, ASTM STB 634, Am. Soc. Testing Mater.; and Branson, D. R., et al. "Butylated monochlorodiphenyl oxide: toxicity and tissue concentrations in rats from a subchronic study," paper No. 60 presented to Soc. Toxicol., March 12-16, 1978, San Francisco, Calif. (Manuscript). Copies are available at the address listed above.

Background

The Clean Water Act of 1977 (the Act) directed the Administrator to publish as toxic pollutants those substances listed in table 1 of Committee Print Numbered 95-30 of the Committee on Public Works and Transportation of the House of Representatives. The list of these substances was published pursuant to section 307(a) on January 31, 1978 (43 FR 4109). The list contained as item 37, "Haloethers (other than those listed elsewhere; includes chlorophenylphenyl ethers, bromophenylphenyl ether, bis-(dichloroisopropyl) ether, bis-(chloroethoxyl) methane and polychlorinated disphenyl ethers)."

The Act also authorizes the Administrator to add to or remove from such list any pollutant. In revising the toxic pollutant list, the Administrator is directed to take into account the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the pollutant on such organisms. It is not necessary that a pollutant meet any particular criteria within these categories in order to be listed under sec. 307. The legislative history of the Clean Water Act of 1977 indicates Congress, clear intent that the Administrator have "the widest latitude" in designating pollutants as toxic and that "no pollutant listed in House Report 95-30 should be deleted without a clear finding that delisting will not compromise adequate control over the discharge of toxic pollutants (Cong. Rec. daily ed. S. 19649)." Thus, for instance, a pollutant which demonstrates high acute toxicity but low persistence may be listed under sec. 307, or conversely, a pollutant with low acute toxicity but high persistence may be so listed.

The compounds on the list of 65 were themselves chosen on the basis of different sets of criteria. These criteria are described in Committee Print Number 95-32, Hearings before the Subcommittee on Investigations and Review of the Committee on Public Works and Transportation, U.S. House of Representatives, pages 399-405. Each of the 65 toxic pollutants were classified in one of three priority lists based upon three sets of overlapping criteria. The criteria described in the Committee Print Number 95-32 for the first two priority lists are:

"Priority List I contains those chemicals for which human exposure via the water route gives rise to the greatest concern. This list contains some 29 substances and/or generic categories. Essentially chemicals on the Priority List Number I satisfy the following criteria:

1. There is known occurrence of these compounds in point source effluents, in aquatic environments, in fish, and/or drinking water.

2. There is substantial evidence of carcinogenicity, mutagenicity, and/or teratogenicity in human epidemiological studies or in animal bioassay systems.

3. There is also a likelihood that point source effluents contribute substantially to human hazards, at least locally.

Priority List II contains 18 compounds and/or generic categories. These 18 satisfy the same first criteria as those on Priority List I, i.e., there is known occurrence in point source effluents in aquatic environments, in fish, and/or drinking water. However, the evidence with respect to the toxicity of these compounds differs from Priority List I. In some cases the evi- with evidence for substantial release in effluents and likely exposure of humans and aquatic organisms. These other toxic effects primarily refer to toxicity to aquatic organisms."

Haloethers are found on priority list II.

Toxicity

Dow Chemical states in its petition that the aromatic haloethers do not meet EPA's toxicity criteria for listing chemicals under Sec. 307. The following information based on data which was submitted by the Dow Chemical Co. and available to EPA in the literature refutes this assertion and indicates that aromatic haloethers are toxic both to aquatic life and to humans and non-human mammals.

Table I summarizes aquatic species toxicity data currently available to the Agency for aromatic haloethers.

dence of carcinogenicity is based primarily upon structural similarity to compounds in List I or upon mutagenic activity in bacterial screening systems, in the absence of adequate confirmation in mammalian systems. In other cases, the testing has given some evidence regarding the carcinogenicity, mutagenicity, or teratogenicity, but these results presently appear to be incomplete or equivocal. Also, for these compounds the possibility of significant human exposure attributable to the point source effluent is judged to be less than that for compounds in List I. This judgment could be based on a relatively small volume of effluents, or relatively low propensity to persist in water or accumulate in organisms. In addition, several compounds included in List II are included on the basis of serious toxic effects other than carcinogenicity, mutagenicity, or teratogenicity, combined

Table 1.—*Sumary of Toxicity Data for Aromatic Haloethers*

	Static 96 hour LC50 bluegill [a] mg/l	Static 96 hour LC50 fathead minnow [b] mg/l	Flow-through threshold hour LC50 fathead minnow [b] mg/l	Flow-through chronic MATC fathead minnow [b] mg/l	Static 48 hour LC50 water flea [c] mg/l
4-bromophenyl phenyl ether	[e]4.94			[e]0.122	[e]0.36
BCDO dielectric fluid [d]		[b]15.4	[j]1.81		[j]0.24
C1DPO [e]		[b]1.75	[j]0.090		[j]0.39
(C_x)nC1DPO [f]					[j]0.32

[a] *Lepomis macrochirus.*
[b] *Pimephales promelas.*
[c] *Daphnia magna.*
[d] Typically contains 18.6 percent, 57.0 percent, 21.6 percent, and 2.6 percent of non-, mono-, di-, and tributylated monochlorodiphenyl oxides, respectively.
[e] 100 percent nonbutylated monochlorodiphenyl oxide.
[f] Contains only momo-, di-, and tributylated monochlorodiphenyl oxides in the same ratio as for BCDO dielectric fluid. Complete absence of C1DPO.
[g] U.S. EPA, 1978.
[h] Alexander, et al., 1976a.
[i] Alexander et al., 1976b.
[j] Bailey, 1976.

Aromatic haloethers demonstrate acute and chronic toxicity to both non-human mammals and humans. Hake and Rowe (1963) in single-dose oral studies administered monochlorothrough hexachlorodiphenyl oxides to guinea pigs via intubation. The results summarized in Table 2 show a marked delayed effect and greater toxicity in those compounds containing four or more substituted chlorine atoms. Hake and Rowe (1963) also administered multiple, oral doses of these compounds to rabbits by intubation five times per week for 4 weeks unless death occurred. The results obtained with the various chlorinated phenyl ethers are summarized in Table 3. Again more highly chlorinated compounds appear to be more toxic in this series.

TABLE 2.—*Chlorinated Phenyl Ethers Summary of Single-Dose Oral Feeding Studies on Guinea Pigs*

Material	After 4 days		After 30 days	
	Lethal dose (mg/kg)	Survival dose (mg/kg)	Lethal dose (mg/kg)	Survival dose (mg/kg)
1 x Cl	700	200	600	100
2 x Cl	1,300	400	1,000	50
3 x Cl	2,200	400	1,200	200
4 x Cl	3,000	400	50	0.5
5 x Cl	3,400	1,800	100	5
6 x Cl	3,600	400	50	5

(Hake and Rowe, 1963).

TABLE 3.—*Chlorinated Phenyl Ethers Results of Repeated Oral Feeding of Rabbits*

Material	Dose (mg/kg)	No. of doses	No. of days	Effect
1 x Cl	100	19	29	None.
2 x Cl	100	19	29	Mild liver injury.
3 x Cl	100	5	12	Death.
	50	20	29	Slight liver injury.
	10	20	29	No effect.
4 x Cl	50	4	10	Death.
	5	20	29	Severe liver injury.
5 x Cl	50	8	21	Death.
Penthachlorophenyl ether*	100	20	29	Moderate liver injury. No growth
	10	20	29	Slight liver injury.
	1	20	29	No effect.
6 x Cl	5	8	10	Death.
	1	20	28	Severe liver injury.
	0.1	20	28	No effect.

*Highly purified pentachlorophenyl ether.
(Hake & Rowe, 1963).

At least one aromatic haloether has been shown to be fetotoxic to non-human mammals. Kimbrough (1973) demonstrated the embryocidal properties of 2,4-dichloro-4'-nitrophenyl ether in the rat. Pregnant female rats on days 7 through 15 of gestation were fed the compound at 50 mg per kg of body weight per day. The treated animals produced 10 litters with an average of 2.2 live and 7.3 dead pups per litter at birth. The untreated control group produced 11 litters with an average of 12.7 live and zero dead pups per litter at birth.

Ambrose, et al (1971) fed male and female Wistar albino rats a diet containing 1,000 mg/kg of 2,4-dichlorophenyl-4'-nitrophenyl ether for 11 weeks, after which the treated rats were interbred. The reported overall incidence of stillborns in the litters from these treated rats was 80 percent as compared to 1 percent in the control groups.

Although experience with human subjects has not been extensive, it has been reported that topical exposure to even small amounts of hexachlorophenyl ether may result in appreciable acneform dermatitis (Hake and Rowe, 1963).

PERSISTENCE AND DEGRADABILITY

Dow Chemical stated that haloaromatic ethers are not expected to be persistent in the aquatic environment because, among other reasons, they tend to volatilize from water. The following data refute this allegation and indeed suggest that haloaromatic ethers may be highly persistent in the aquatic environment.

Hake and Rowe (1963) determined the vapor pressure at 25 degrees C for ClDPO and dichlorodiphenyl oxide (Cl_2DPO) to be 7×10^{-3} mm Hg and 6×10^{-4} mm Hg, respectively. Branson (1977) determined a similar value of 2.7×10^{-3} mm Hg at 25 degrees C for ClDPO and vapor pressures of 1.1×10^{-4} mm Hg and 4.2×10^{-6} mm Hg at 25 degrees C for monobutylated-((C_4) ClDPO) and dibutylated monochlorodiphenyl oxides ($(C_4)_2$ ClDPO), respectively. These vapor pressure values are comparable to, or less than, the vapor pressures of such highly persistent pollutants as chlordane, toxaphene, heptachlor, and lindane.

Branson (1977) determined water solubilities of 3.3 mg/l and 0.14 mg/l for ClDPO and (C_4) ClDPO, respectively. These water solubility values are comparable to or greater than the water solubilities of such highly persistent polluntants as chlordane, endosulfan, toxaphene, heptachlor, DDT, tetrachlorodibenzo-p-dioxin (TCDD), endrin, and dieldrin.

The equal or lower vapor pressures and equal or higher water solubilities of many of the aromatic haloethers, as compared to those of TCDD and the pesticides previously mentioned, would result in an equal or lower air to water ratio (Henry's constant) in the case of the aromatic haloethers. These physical properties suggest that aromatic haloethers should persist in water in a manner similar to other pollutants such as chlordane, endosulfan, toxaphene, heptachlor, DDT, lindane, TCDD, endrin, and dieldrin, which are known to be highly persistent in the aquatic environment.

The petition stated further that one of the aromatic haloethers, ClDPO, is biodegraded in aquatic environments as reported by Bailey and Ambrose (1976). However, the same study indicates that degradation of two other aromatic haloethers occurred much less rapidly. Biodegradation rates of (C_4) ClDPO and (C_4)$_2$ ClDPO were 1/30th and 1/400th respectively, that of ClDPO. Biodegradation is a function of the presence of organisms capable of metabolizing the pollutant, temperature, presence of nutrients, and the chemical characteristics of the pollutant. Furthermore, biodegradation does not necessarily mean that the environmental pollutional load is lessened. Some degradation products are persistent and may be more harmful than the original pollutant.

The test presented in support of the petition measures the rate of $^{14}CO_2$ formation from ring-labelled ^{14}C-compounds by activated sludge and is not a definitive method for determining relief of environmental pollution load. In the test submitted by the petitioner, no degradation intermediates were isolated, chemical structures determined, or biological properties assessed. Therefore, the extent of molecular degradation and potential toxicity of intermediate chemical species are not known. Finally, no data appear to be available regarding the biodegradability of brominated or more heavily chlorinated aromatic ethers.

Dow also submitted a study showing that chlorinated dibenzofurans and chlorinated dibenzodioxins were not present in BCDO dielectric fluid before use in capacitors when this fluid was examined by gas chromato-

graphy and mass spectrometry (Branson, 1977). However, these dibenzofurans and dibenzodioxins are formed in PCB's when PCB's are used in capacitors or exposed to the environment. Since the Branson study was conducted on BCDO before use or exposure, it cannot be read to demonstrate that the potentially toxic chlorinated dibenzofurans and dibenzodioxins will not form during use or exposure.

Although the bioconcentration factors in trout muscle reported for ClDPO and (C_4) ClDPO of 736 and 298, respectively (Blanchard, et al. 1976), are lower than the bioconcentration factor of 9,550 for 2,2',4,4'-tetrachlorobiphenyl, a PCB isomer, in trout muscle (Branson, et al. 1975), the former two figures indicate a significant environmental bioconcentration potential for the two aromatic haloethers. Moreover, data on a single tissue type from one aquatic vertebrate species is inadequate to demonstrate low bioconcentration potential. Bioconcentration data must be obtained in various tissues from several freshwater and marine species before a determination of insignificant bioconcentration potential can be made.

Usual and Potential Presence of the Compounds in Water

Dow Chemical stated that, "With the exception of bromophenyl phenyl ether, none of the documents cited by the EPA publication entitled "The Process of Selection and Prioritization of Toxic Pollutants in Point Source Water Effluent Discharge" indicates that haloaromatic ethers have been found in point source effluents, in aquatic environments, in fish, in drinking water, or anywhere else in the environment. Accordingly, under this criterion there is no basis for the haloaromatic ethers being on the list." The observation that aromatic haloethers have not been found extensively in U.S. waters or effluents does not demonstrate that these compounds are not present in the aquatic environment.

In 1977, the contents of a waste pit in Missouri (Kleopfer, 1977) was shown to contain 86,000 ppm (w/w) of a mixture of three bromophenylchlorophenyl ethers with the 4-bromophenyl-3'-chlorophenyl isomer predominating. In addition, environmental contamination due to the bromochloro ether from the waste pit was determined in soils, sediments, and biota surrounding and adjacent to the pit.

Aromatic haloethers have not been widely used since the early 1960's when PCB's became the fluid of choice in electrical capacitors and transformers. Their limited use has only recently been resumed after the adverse environmental effects of PCB's became known.

Since haloaromatic ethers have not been in wide use recently, it is possible that limited monitoring and sampling programs have simply not yet detected their presence in more than one or two instances.

Another factor which may have affected the detection of haloaromatic ethers in the environment is the strong affinity of these compounds for sediments. It has been reported that the butylated monochlorodiphenyl oxides have an even greater affinity for aqueous sediments than does 2,5,2'-PCB. Branson (1977) determined sediment to water ratios of 4:1, 40:1, 80:1, and 30:1 for ClDPO, (C_4)ClDPO, (C_4)$_2$ClDPO, and 2,5,2'-PCB, respectively. This marked affinity of the butylated compounds for bottom sediment suggests a potential exposure problem for benthic organisms in the aquatic environment.

Finally, since it is the evident intent of the petitioner to consider increased marketing for some of the aromatic haloethers in the future, the potential for increased future discharges exists.

Other Considerations

The petition states that leaving aromatic haloethers on the list dilutes the Agency's efforts and diverts attention from more serious environmental issues, introduces unwarranted barriers to the introduction of new products containing the compounds, and results in needless expenditures of funds by industry and Government for expensive monitoring, analysis, and reporting.

Listing chemicals under section 307(a) does not preclude a company from producing, marketing, and selling a product. The purpose of the section 307 list of toxic pollutants is to focus attention on the potential environmental harm which might result if such pollutants are discharged to the aquatic environment and to control such harmful discharges through the development and implementation of appropriate effluent limitations. Since haloaromatic ethers are on the § 307(a) toxic pollutant list, they may be subject to effluent limitations sooner than if they were nonconventional pollutants, and they are not eligible for waivers on water quality or economic grounds. However, haloaromatic ethers would be subject to BAT whether they are classified as toxic or nonconventional pollutants.

In summary, the broad class of compounds, aromatic haloethers, has several members that are acutely toxic to important aquatic organisms such as the bluegill, the fathead minnow, and the water flea found in United States waters. Members of this class also demonstrate both acute and chronic toxicity to several mannalian species. Higher chlorinated compounds are toxic to humans via topical exposure (Hake and Rowe, 1963). The physical and chemical properties of these compounds strongly suggest their persistence in the aquatic environment. Available biodegradation data do not refute this conclusion. Preliminary studies with the aromatic haloethers show bioconcentration potential in fish although the values are lower than those observed for the PCB's (Branson, et al. 1975).

Available bioconcentration data do not demonstrate an insignificant bioconcentration potential.

Finally, additional monitoring must be performed to determine the presence or absence of aromatic haloethers in the water column and in sediments. Based on the physical, chemical, and biological properties of the aromatic haloethers discussed in this report, it is proposed that the class of aromatic haloether compounds should remain on the toxic substances list under the general classification of haloethers.

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Comments from the public including the scientific and industrial communities are invited on this notice. Com-

ments and views regarding this request for action may be filed within 60 days from the date of this notice. Such comments should be addressed to Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, OWWM, Environmental Protection Agency, 401 M. Street, S.W., Washington, D.C. 20460.

Dated: March 20, 1979.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 79-9110 Filed 3-26-79; 8:45 am]

[6560-01-M]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1083-4; OPP-180172H]

MISSISSIPPI AUTHORITY FOR THE CONTROL OF FIRE ANTS

Emergency Exemption for Use of Ferriamicide To Control Fire Ants in Mississippi; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA), Office of Pesticide Programs.

ACTION: Emergency exemption to use Ferriamicide in Mississippi; extension of deadline for submission of comments.

SUMMARY: On March 13, 1979, EPA announced that it would accept further public comment on new information it had received concerning the toxicology of photomirex, a degradation product of ferriamicide. The deadline for submission of comments was March 23, 1979 (44 FR 14633 (March 13, 1979)). This deadline is hereby extended to March 28, 1979.

DATE: Comments are due by March 28, 1979.

ADDRESS: Send comments to the Federal Register Section, Program Support Division (TS-757), Office of Pesticide Programs, EPA, Room 401 East Tower, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Timothy A. Gardner, Product Manager 15 (PM-15), Registration Division (TS-767), Office of Pesticide Programs, EPA, Room 229 East Tower, at the above address. Telephone: 202-426-9426.

SUPPLEMENTARY INFORMATION: See 44 FR 14633 (March 13, 1979), and the references cited in that notice.

Dated: March 22, 1979.

JAMES M. CONLON,
Associate Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 79-9313 Filed 3-26-79; 8:45 am]

[6712-01-M]

FEDERAL COMMUNICATIONS COMMISSION

[PR Docket No. 79-48, 79-49, and 79-50]

WILLIAM M. ROGERS

Order to Show Cause, Suspension Order, and Designation Order; Designating Application for Hearing on Stated Issues

Adopted: March 20, 1979.
Released: March 23, 1979.

In the matters of revocation of license of William M. Rogers, 2329 N.W. 35th, Oklahoma City, Oklahoma 73112, licensee of station WD5FPO in the amateur radio service (PR Docket No. 79-48); Suspension of license William M. Rogers, 2329 N.W. 35th, Oklahoma City, Oklahoma 73112, amateur technician class operator licensee (PR Docket No. 79-49); Application of William M. Rogers, 2329 N.W. 35th, Oklahoma City, Oklahoma 73112 (PR Docket No. 79-49); for an Amateur General Class Operator License (PR Docket No. 79-50).

The Chief, Private Radio Bureau, has under consideration the license for Amateur radio station WD5FPO and the Amateur Technician Class operator license of William M. Rogers. The licenses were granted on May 30, 1978, for five year terms. Also under consideration is Rogers' application dated September 19, 1978, for an Amateur General Class operator license. Until May 13, 1978, Rogers was also the holder of Citizens Band radio station license KIX-8287 which was granted on February 11, 1975, for a five year term.[1]

1. On December 6, 1975, Citizens Band Radio Station KIX-8287 was operated in violation of the following rule sections: 95.37(c) (overheight antenna), 95.41(d) (authorized frequencies), and 95.95(c) (identification requirements). On January 14, 1976, an Official Notice of Violation/Notice of Apparent Liability in the amount of $150 was issued to Rogers for those violations. Rogers paid the forfeiture, and thus is deemed to have admitted the violations.

2. Information before the Commission indicates that on March 31, 1978, Rogers' station made radio transmissions on the frequency 27.625 MHz. That frequency is assigned for use by United States Government stations. Rogers did not possess a license authorizing the use of that frequency. Thus, the operation was apparently in violation of Section 301 of the Communications Act of 1934, as amended. Moreover, if the apparent operation was under the color of authority of Rogers amateur radio license WD5FPO, the operation was in violation of the following amateur radio service rules: §§ 97.7(e) (authorized emission type), 97.7(e) and 97.61(a) (authorized frequencies), and 97.87(e) (identification requirements). If the apparent operation was under the color of authority of Rogers CB license KIX-8287, it was in violation of the following CB rules: 95.455(a) (authorized frequencies), 95.469(b) (time limits on communications), and 95.471(c) (identification requirements).[1][2]

3. The conduct described above calls into question Rogers' qualifications to retain his amateur license or to receive a higher class amateur operator's license. Section 312(a)(4) of the Communications Act of 1934, as amended, provides that radio station licenses may be revoked for wilful violation of the Communications Act or of the Commission's Rules. Section 303(m)(1)(A) of the Communications Act provides that an operator's license may be suspended for wilful violation of the Communications Act or of the Commission's Rules. Accordingly, *it is ordered* that Rogers show cause why the license for WD5FPO should not be revoked and that the Technician Class operator's license of Rogers is suspended for the remainder of the license term. The suspension will be held in abeyance if Rogers request a hearing or submits a written statement for consideration.[3]

4. *It is further ordered,* That if Rogers wants a hearing on the revocation, suspension, and/or application matters, he must file a written request for a hearing within 30 days.[4][5] If a hearing is requested, the time, place, and Presiding Judge will be specified by subsequent order.

5. *It is further ordered,* That if Rogers waives his right to a hearing on the suspension matter and does not submit a statement, the suspension will take effect 30 days after Rogers receives this order;[6] if Rogers waives

[1] The license for CB radio station KIX-8287 was granted to William M. Rogers, sole proprietor of North May Champlin. That license was cancelled on May 31, 1978, pursuant to Rogers' request.

[1] Part 95 of the Commission's Rules has been revised and renumbered. The rules cited herein are those in effect on the pertinent date.

[2] The apparent operation of March 31, 1978 was the subject of two Official Notices of Violation mailed to Rogers on April 24, 1978 (one pertaining to WD5FPO and the other pertaining to KIX-8287).

[3] Any contrary provisions of § 1.85 of the Rules are waived.

[4] Any contrary provisions of §§ 1.85 and 1.221(c) of the Rules are waived.

[5] AThe attached form should be used to request or waier hearing. It should be mailed to the Federal Communications Commission, Washington, D.C., 20554.

[6] If Rogers waives hearing and does not submit a statement on the suspension matter, he must submit his license to the commission within 30 days to be retained during the suspension period.

his right to a hearing and submits a written statement, the suspension matter will be certified to the Commission for administrative disposition.[7] If Rogers waives his right to a hearing on the revocation matter, it will be certified to the Commission for administrative disposition pursuant to § 1.92(c) of the Rules.

6. *It is further ordered,* That pursuant to Section 309(e) of the Communications Act and §§ 1.973(b) and 0.331 of the Rules, Roger's application to upgrade to General Class is designated for hearing on the issues specified below.

7. *It is further ordered,* That the matters in this proceeding will be resolved upon the following issues:

(a) To determine the effect of the December 6, 1975 violations of §§ 95.37(c), 95.41(d), and 95.95(c) on William M. Rogers' qualifications to remain a Commission licensee.

(b) To determine whether the transmissions on March 31, 1978, were in violation of Section 301 of the Communications Act of 1934, as amended, or §§ 95.455(a), 95.469(b), 95.471(c), 97.7(e), 97.61(a), and/or 97.87(e) of the Commission's Rules.

(c) To determine whether William M. Rogers has the requisite qualifications to remain a Commission licensee.

(d) To determine whether the suspension order should be affirmed, modified, or dismissed.

(e) To determine whether grant of the application would serve the public interest, convenience, and necessity.

8. *It is further ordered,* That pursuant to § 1.227 of the Rules, the revocation, suspension, and application proceedings are consolidated for hearing.

9. *It is further ordered,* That copies of this Order shall be sent by Certified Mail—Return Receipt Requested and by Regular Mail to the licensee at his address of record (shown in the caption).

GERALD M. ZUCKERMAN,
Chief, Compliance Division.

[FR Doc. 79-9138 Filed 3-26-79; 8:45 am]

[6712-01-M]

TV BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: March 16, 1979.

Released: March 20, 1979.

By the Chief, Broadcast Facilities Division.

Notice is hereby given, pursuant to § 1.572(c) of the Commission's Rules, that on May 8, 1979, the TV broadcast applications listed below will be considered ready and available for processing. Pursuant to §§ 1.227(b)(1) and 1.591(b) of the Commission's Rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on May 7, 1979, which involves a conflict necesitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on May 7, 1979.

Any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to § 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Rules which specifies the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

BPCT-5151 (New), Richmond, Virginia, Nieghborhood Communications Corporation, Channel 35. ERP: Vis.: 1589 kW, HAAT: 741 ft.

BPCT-7807201A (New), Somerset, Kentucky, TV 8, Inc., Channel 16. ERP: Vis.: 390 kW, HAAT: 413 ft.

BPCT-780920KE (New), Eugene, Oregon, Sterling Recreation Organization Co., Channel 16. ERP: Vis.: 1267.65 kW, HAAT: 931 ft.

BPCT-781023KE (New), Sandusky, Ohio, Christian Faith Broadcasting, Inc., Channel 51. ERP: Vis.: 93.05 kW, HAAT: 324 ft.

BPCT-781030KF (New), Evansville, Indiana, Channel 44, Inc., Channel 44. ERP: Vis.: 249 kW, HAAT: 405 ft.

BPCT-781220LD (KMXN-TV), Albuquerque, New Mexico, Spanish Television of New Mexico, Inc., Channel 23. Change transmitter location; Change antenna; Change ERP Vis. to 1950 kW; and Change HAAT to 4206 ft.

BPCT-781221LG (KSHO-TV), Las Vegas, Nevada, Channel 13 of Las Vegas, Inc., Channel 13. Change transmitter location; Change studio location; Change antenna; Change ERP Vis. to 316 kW; Change HAAT to 1099 ft.

BPCT-781222LC (New), Greensboro, North Carolina, American Telecasters, Inc., Channel 48. ERP: Vis.: 1099 kW, HAAT: 1695 ft.

BPCT-790104LD (New), Stockton, California, Family Stations, Inc., Channel 64. ERP: Vis.: 1063 kW, HAAT: 2765 ft.

BPCT-790118LC (New), Ashland, Kentucky, Tri-State Family Television, Inc., Channel 61. ERP: Vis.: 802 kW, HAAT: 407 ft.

[FR Doc. 79-9139 Filed 3-26-79; 8:45 am]

[6210-01-M]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Citizens National Bank of Limestone County, Athens, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than April 12, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-9160 Filed 3-26-79; 8:45 am]

[6210-01-M]

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank

[7] Any contrary provisions of § 1.85 of the Rules are waived.

indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 18, 1979.

A. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

SOUTH CAROLINA NATIONAL CORPORATION, Columbia, South Carolina (finance and insurance activities; South Carolina): to engage, through its subsidiary, Provident Finance Company of South Carolina, Inc., in making or acquiring loans and other extensions of credit, such as would be made by a consumer finance company; and offering life, accident and health, and property insurance directly related to its extensions of credit. These activities would be conducted from an office in Laurens, South Carolina, and the geographic area to be served is Laurens County, South Carolina.

B. *Federal Reserve Bank of Dallas*, 400 South Akard Street, Dallas, Texas 75222:

TEXAS COMMERCE BANCSHARES, INC., Houston, Texas (leasing activities; national): to engage, through its subsidiary, Texas Commerce Leasing Company, in leasing real property in accordance with the Board's Regulation Y. These activities would be conducted from offices in Houston, Texas, and the geographic area to be served is national, with an emphasis on Gulf Coast and Southwest leasing.

C. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

1. CROCKER NATIONAL CORPORATION, San Francisco, California (mortgage banking activities; California, Georgia): to engage through its subsidiary, Crocker Mortgage Company, Inc., in originating mortgages on single- and multi-family and commercial nonresidential properties; selling the mortgages to permanent investors; servicing the loans; and assisting developers and builders in obtaining construction loans and other types of development loans. These activities would be conducted from offices in Los Angeles, San Francisco, and Santa Ana, California, and Atlanta, Georgia, and the geographic areas to be served are California and Georgia.

2. RAINIER BANCORPORATION, Seattle, Washington (finance and insurance activities; Alaska): to engage, through its subsidiary, Coast Mortgage Co., in making or acquiring loans and other extensions of credit; and acting as agent or broker with regard to insurance directly related to its extensions of credit in the following categories: mortgage redemption insurance in the form of credit life and disability insurance; property and casualty insurance on real and personal property, including homeowners, fire and extended coverage, liability, builder's course-of-construction, builder-borrower, and loss of rent insurance; and performance bonds. These activities would be conducted from an office in Fairbanks, Alaska, and the geographic area to be served is within a 30-mile radius of that city.

D. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 20, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-9161 Filed 3-26-79; 8:45 am]

[6210-01-M]

BANK HOLDING COMPANIES

Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 C.F.R. 225.4(b)(1)), for permission to engage de novo (or continue to engage in an activity earlier commenced de novo), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than April 19, 1979.

A. *Federal Reserve Bank of Richmond*, 701 East Byrd Street, Richmond, Virginia 23261:

SOUTH CAROLINA NATIONAL CORPORATION, Columbia, South Carolina (finance and insurance activities; South Carolina): to engage, through its subsidiary, Provident Finance Company of South Carolina, Inc., in making or acquiring loans and other extensions of credit such as would be made by a consumer finance company; and offering life, accident and health, and property insurance directly related to its extensions of credit. These activities would be conducted from an office in West Columbia, South Carolina, and the geographic area to be served is Lexington County, South Carolina.

B. *Federal Reserve Bank of San Francisco*, 400 Sansome Street, San Francisco, California 94120:

1. BANKAMERICA CORPORATION, San Francisco, California (finance and insurance activities; California): to engage through its subsidiary, FinanceAmerica VIP Service Corporation, in making or acquiring loans and other extensions of credit such as would be made or acquired by a finance company, including making consumer installment loans by mail and making loans secured by personal property; servicing loans and other extensions of credit; and offering life and accident and disability insurance directly related to its extensions of credit. These activities would be conducted from an office in Santa Ana, California, and the geographic area to be served is California.

2. SECURITY PACIFIC CORPORATION, Los Angeles, California (escrow activities; Washington): to engage, through its subsidiary, Security Pacific Escrow, Inc., in acting as escrow agent for the purchase and sale of real property and the execution of all documents and dispersal of funds relating to loan transactions, and all other activities engaged in by an escrow company. These activities would be conducted from an office in Bellevue, Washington, and the geographic area to be served is Washington.

3. SECURITY PACIFIC CORPORATION, Los Angeles, California (escrow activities; Washington): to engage in the activities described in the preceding paragraph through the subsidiary there identified from an office in Mountlake Terrace, Washington. The geographic area to be served is Washington.

4. SECURITY PACIFIC CORPORATION, Los Angeles, California (escrow activities: Washington): to engage in the activities described in the two preceding paragraphs through the subsidiary there identified from an office in Spokane, Washington. The

geographic area to be served is Washington.

5. SECURITY PACIFIC CORPORATION, Los Angeles, California (finance and insurance activities; California): to engage, through its subsidiary, The Bankers Investment Company, in making or acquiring loans and other extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses, and other extensions of credit such as would be made by a factoring company or consumer finance company; and acting as broker or agent for the sale of life, accident and health, and property and casualty insurance directly related to its extensions of credit. These activities would be conducted from an office in Pasadena, California, and the geographic area to be served is California.

6. SEILON, INC., Toledo, Ohio, and NEVADA NATIONAL BANCORPORATION, Reno, Nevada (finance and leasing activities; California): to engage, through their subsidiary, Nevada National Leasing Company, Inc., in financing personal property and equipment and leasing such property or acting as agent, broker, or advisor in the leasing or financing of such property in accordance with the Board's Regulation Y; and making or acquiring loans and other extensions of credit in the normal course of its leasing business, including making business installment loans, purchasing business installment sales finance contracts, and making loans to businesses of various sizes. These activities would be conducted from an office in Sacramento, California, and the geographic area to be served is from Sacramento south to Fresno, north to Redding, west to Oakland, and east to Auburn, California.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, March 21, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-9162 Filed 3-26-79; 8:45 am]

[6210-01-M]

CANEYVILLE BANCSHARES, INC.

Formation of Bank Holding Co.; Correction

In FR Doc. 79-7657 appearing at page 15538 of the issue for Wednesday, March 14, 1979, the final date for receipt of comments should read April 6, 1979.

Board of Governors of the Federal Reserve System, March 20, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-9159 Filed 3-26-79; 8:45 am]

[6210-01-M]

COMMERCIAL BANCSHARES, INC.

Formation of Bank Holding Co.

Commercial Bancshares, Inc., Texarkana, Arkansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 82 percent or more of the voting shares of Commercial National Bank, Texarkana, Arkansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 17, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 21, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-9163 Filed 3-26-79; 8:45 am]

[6210-01-M]

DSP INVESTMENTS, LIMITED

Formation of Bank Holding Co.

DSP Investments, Limited, La Cygne, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 80 percent or more of the voting shares of Linn County Bank, La Cygne, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 20, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 20, 1979.

EDWARD T. MULRENIN,
Assistant Secretary of the Board.

[FR Doc. 79-9164 Filed 3-26-79; 8:45 am]

[6210-01-M]

MANUFACTURERS HANOVER CORP.

Proposed Acquisition of Merchants Industrial Bank and Merchants Acceptance Co.

Manufacturers Hanover Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Merchants Industrial Bank ("MIB") and Merchants Acceptance Company ("MAC"), both of Denver, Colorado.

Applicant states that MAC would engage in the following activities:

Making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by a consumer finance company and making or acquiring commerical loans; making or acquiring for its own account or for the account of others, loans and other extendsons of credit such as would be made by a sales finance company including purchasing installment sales finance contracts; acting as agent or broker for the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit made by Merchants Acceptance Company; and acting as agent or broker for the sale of property damage and liability insurance insuring collateral securing loans and other extensions of credit made by Merchants Acceptance Company or securing sales finance contracts entered into directly by Merchants Acceptance Company or securing loans and other extensions of credit (including sales finance contracts) acquired by Merchants Acceptance Company in transactions that are the equivalent of direct extensions of credit by Merchants Acceptance Company.

Applicant states that MIB would engage in the following activities:

Making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by an industrial bank in accordance with the laws of the State of Colorado, including consumer and commerical loans; making or acquiring for its own account or for the account of others, loans and other extensions of credit such as would be made by a sales finance company including purchasing installment sales finance contracts; accepting passbook savings deposits and offering thrift certificates as permitted industrial banks under the laws of the State of Colorado; acting as agent or broker for the sale of credit life insurance and credit accident and health insurance directly related to extensions of credit made by Merchants Industrial Bank; and acting as agent or broker for the sale of property damage an liability insurance insuring collateral secur-

ing loans and other extensions of credit made by Merchants Indusrial Bank or securing sales finance contracts entered into directly by Merchants Industrial Bank or securing loans and other extensions of credit (including sales finance contracts) acquired by Merchants Industrial Bank in transactions that are the equivalent of direct extensions of credit by Merchants Industrial Bank.

These activities would be performed from offices of Applicant's subsidiary in Denver, Colorado. and the geographic area to be served is the Denver area. Such activities have been specified by the Board in §225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased cometition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of intersts, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 20, 1079.

Board of Governors of the Federal Reserve Systme, March 21, 1979.

EDWARD T. MULRENIN,
Assistant Secretary
of the Board.

[FR Doc. 79-9165 Filed 3-26-79; 8:45 am]

[6210-01-M]

MULESHOE BANCSHARES, INC.

Formation of Bank Holding Company; Correction

In FR Doc. 79-7133 appearing at page 13078 of the issue for Friday, March 9, 1979, the final date for receipt of comments should read April 2, 1979.

Board of Governors of the Federal Reserve System, March 20, 1979.

EDWARD T. MULRENIN,
Assistant Secretary
of the Board.

[FR Doc. 79-9158 Filed 3-26-79; 8:45 am]

[6210-01-M]

SAYRE BANCORPORATION, INC.

Formation of Bank Holding Co.

Sayre Bancorporation, Inc., Colorado Springs, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 96 percent or more of the voting shares of City National Bank of Sayre, Sayre, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 16, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 19, 1979.

EDWARD T. MULRENIN,
Assistant Secretary
of the Board.

[FR Doc. 79-9166 Filed 3-26-79; 8:45 am]

[6210-01-M]

ST. MICHAEL BANCORPORATION

Formation of Bank Holding Company

St. Michael Bancorporation, St. Michael, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Security State Bank of St. Michael, St. Michael, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than April 20, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, March 21, 1979.

EDWARD T. MULRENIN,
Assistant Secretary
of the Board.

[FR Doc. 79-9157 Filed 3-26-79; 8:45 am]

[6750-01-M]

FEDERAL TRADE COMMISSION

TRANSMITTAL RULES

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Ziff Corporation is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acqusition of Norcross, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both Ziff Corporation and Norcross, Inc. Neither agency intends to take any action with respect to this acqusition during the waiting period.

EFFECTIVE DATE: March 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580 (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires person contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration

and to publish notice of this action in the FEDERL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-9224 Filed 3-26-79; 8:45 am]

[6750-01-M]

TRANSMITTAL RULES

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Interpace Corporation is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of J. P. Ward Foundries, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by J. P. Ward Foundries, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580 (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-9225 Filed 3-26-79; 8:45 am]

[6750-01-M]

TRANSMITTAL RULES

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Veba AG is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of Creslenn Oil Company. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Creslenn Oil Company. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 19, 1979.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580 (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C.18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans: Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-9226 Filed 3-26-79; 8:45 am]

[6750-01-M]

TRANSMITTAL RULES

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Marshall Field & Company is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain assets of Dayton-Hudson Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both Marshall Field & Company and Dayton-Hudson Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: March 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580 (202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodion Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and to publish notice of this action in the FEDERAL REGISTER.

By direction of the Commission.

CAROL M. THOMAS,
Secretary.

[FR Doc. 79-9227 Filed 3-26-79; 8:45 am]

[4110-03-M]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 79P-0077]

COLOR ADDITIVE STATUS OF NITRITE IN BACON

Availability of Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: A citizen petition has been filed with the Food and Drug Administration (FDA) asking the agency to declare that nitrites used in bacon are "color additives" that may not be used to manufacture bacon unless the statutory requirements applicable to

color additives have been met. FDA announces the availability of the petition and invites interested persons to submit written comments to the agency.

DATES: Comments by April 17, 1979; FDA will issue its response to the petition on or before June 11, 1979.

ADDRESS: Written comments to the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

L. Robert Lake, Bureau of Foods (HFF-302), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C ST. SW., Washington, DC 20204, 202-245-1254.

SUPPLEMENTARY INFORMATION: On March 12, 1979, three organizations (Public Citizen, Inc., Center for Science in the Public Interest, and Community Nutrition Institute) and two individuals (Claudia Silverman and Sidney Wolfe) jointly filed a citizen petition with FDA pursuant to 21 CFR 10.30. The petition requests FDA to declare that nitrites used in bacon are a "color additive" as defined in section 201(t) of the Federal Food, Drug, and Cosmetic Act (the act), 21 U.S.C. 321(t), and that nitrites may not be used in the production of bacon unless bacon manufacturers have met the requirements of section 706 of the act (21 U.S.C. 376). The petition is on file and available for public inspection and copying at the office of the Hearing Clerk (HFA-305) (address above).

Pursuant to 21 CFR 10.30(h)(7), the agency invites interested persons to submit written comments on the petition to the Hearing Clerk. The agency is especially interested in receiving comments on whether nitrites used in the production of bacon are "color additives" within the meaning of section 201(t) of the act, including relevant data on the technical effects of nitrites in bacon.

FDA is committed to issuing its response to the citizen petition on or before June 11, 1979. For FDA to meet this deadline, it is necessary that comments be received at the Hearing Clerk's office no later than April 17, 1979.

Dated: March 22, 1979.

JOSEPH P. HILE,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-9265 Filed 3-26-79; 8:45 am]

[4310-84-M]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

INITIAL WILDERNESS INVENTORY, IDAHO

Proposed Decision—Notice of Public Comment Period

The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to inventory roadless areas of the public lands to identify those areas possessing wilderness characteristics as described in the Wilderness Act of 1964.

In September 1978 the Bureau of Land Management issued a "Wilderness Inventory Handbook" which provides the policy, direction, procedures, and guidance for conducting wilderness inventory on the public lands.

The BLM inventory process is divided into two basic steps: initial inventory and intensive inventory. This notice announces the completion of the initial inventory on public lands in Idaho.

The proposed decision on the statewide initial inventory makes one of two findings regarding all BLM lands in Idaho:

1. That they clearly and obviously do not meet the criteria for identification as Wilderness Study Areas; or

2. That they may possibly meet the criteria and should receive more intensive inventory.

The criteria for identifying units as Wilderness Study Areas is contained in wording in Section 2(c) of the Wilderness Act. The key factors in this criteria are:

1. Size. At least 5,000 contiguous roadless acres of public land.

2. Naturalness. The imprint of man's work must be substantially unnoticeable.

3. Either:

a. An outstanding opportunity for solitude, or

b. An outstanding opportunity for a primitive and unconfined type of recreation.

Those units of BLM land that clearly and obviously do not meet the above criteria are being recommended as not qualifying as Wilderness Study Areas, and thus are recommended to be dropped from the inventory process.

Those unts of BLM land that may possibly meet the above criteria are being recommended for more intensive inventory (the second major step in the inventory process) before a determination is made regarding Wilderness Study Area status.

A 90-day public review on this proposed decision will begin on Marh 15, 1979, and conclude on June 15, 1979.

Maps of the area inventoried are available for review at each of the BLM district offices in Idaho. In addition, a summary report and a more detailed narrative report describing the inventory units, a statewide map, and ½"=1 mile maps of individual units are available upon request from the district of State offices. You may request this data on a statewide, districtwide, planning unit, or individual wilderness inventory unit basis.

Comments on the proposed decision should relate specifically to whether the information gathered is correct and to the way in which BLM inventory criteria were applied to determine the existence of roads and to place lands into the two categories: 1) clearly and obviously out, or 2) requiring intensive inventory.

To provide an opportunity for public discussion and review of the proposed decision, the following meetings/workshops/open houses have been scheduled:

April 16, 1979—7:00 p.m.—Boise Interagency Fire Center Auditorium, Boise, Idaho
April 17, 1979—7:00 p.m.—Littletree Inn, Twin Falls, Idaho
April 17, 1979—7:00 p.m.—Westbank Motel, Idaho Falls, Idaho
April 18, 1979—7:00 p.m.—Elks Hall, Salmon, Idaho
April 19, 1979—7:30 p.m.—Holiday Inn, Coeur d'Alene, Idaho
April 19, 1979—7:00 p.m.—American Legion, Challis, Idaho
April 19, 1979—7:00 p.m.—Holiday Inn, Pocatello, Idaho
April 24, 1979—11:30 a.m.-8:30 p.m. (Open House)—BLM District Office, Idaho Falls, Idaho
April 24, 1979—7:00 p.m.—County Courthouse, Murphy, Idaho
April 24, 1979—7:00 p.m.—Ramada Inn, Burley, Idaho
April 25, 1979—11:30 a.m.-8:30 p.m. (Open House)—High School, Aberdeen, Idaho
April 25, 1979—7:00 p.m.—Holiday Inn, Ketchum, Idaho
April 26, 1979—7:00 p.m.—Chamber of Commerce, Hospitality Center, Weiser, Idaho
May 1, 1979—11:30 a.m.-8:30 p.m. (Open House)—County Courthouse, St. Anthony, Idaho
May 2, 1979—11:30 a.m.-8:30 p.m. (Open House)—County Courthouse, Dubois, Idaho
May 3, 1979—11:30 a.m.-8:30 p.m. (Open House)—BLM District Office, Idaho Falls, Idaho
May 9, 1979—11:30 a.m.-8:30 p.m. (Open House)—BLM District Office, Idaho Falls, Idaho
May 10, 1979—11:30 a.m.-8:30 p.m. (Open House)—County Courthouse, Arco, Idaho

Please direct written comments to the Idaho State Office or to the district offices of the BLM listed below:

William L. Mathews, State Director—BLM, Federal Bldg., Box 042, 550 W. Fort Street, Boise, Idaho 83720, Phone: 208-384-1401.

D. Dean Bibles, District Manager, Boise District Office—BLM, 230 Collins Road, Boise, ID 83702, Phone: 208-384-1582.

Nick J. Cozakos, District Manager, Burley District Office—BLM, Route #3, Box 1,

200 South Oakley Highway, Burley, Idaho 83318, Phone: 208-678-5514.

O'dell A. Frandsen, District Manager, Idaho Falls District Office—BLM, 940 Lincoln Road, Idaho Falls, Idaho 83401, Phone: 208-522-7460.

Harry Finlayson, District Manager, Salmon District Office—BLM, P.O. Box 430, Salem, Idaho 83467, Phone: 208-756-2201.

Charles J. Hassler, District Manager, Shoshone District Office—BLM, P.O. Box 2B, Shoshone, Idaho 83352, Phone: 208-886-2208.

J. Martin Zimmer, District Manager, Coeur d'Alene District Office—BLM, P.O. Box 1889, Coeur d'Alene, Idaho 83814, Phone: 208-667-2567.

ADVANCED INVESTORIES

In portions of the Boise and Idaho Falls Districts, advanced inventories have been conducted due to the need to obtain decisions related to wilderness characteristics on certain public lands in advance of the statewide intensive inventory schedule.

The results of these advanced inventories are included with the initial inventory report; however, note that some areas are under different public review periods:

BOISE DISTRICT

—Agriculture ES Area (March 15, 1979–June 15, 1979)

—Birds of Prey Instant Study Area (March 15, 1979–June 15, 1979)

IDAHO FALLS DISTRICT

—Grassland Kipuka Instant Study Area (March 15, 1979–May 15, 1979)

—China Cup Butte Instant Study Area (March 15, 1979–June 15, 1979)

Dated: March 14, 1979.

T. G. BINGHAM,
Acting Idaho State Director Bureau of Land Management.

[FR Doc. 79-9148 Filed 3-26-79; 8:45 am]

[4310-84-M]

[Consolidation of C-22644 and C-26913]

ROUTT COUNTY, COLORADO

Coal Lease Offering by Sealed Bid

U.S. DEPARTMENT OF THE INTERIOR, Bureau of Land Management, Colorado State Office, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. Notice is hereby given that certain coal resources in the lands hereinafter described in Routt County, Colorado will be offered for lease by sealed bid of $25 per acre minimum to the qualified bidder of the highest cash amount per acre or fraction thereof. The sale will be held at 2:00 p.m., April 24, 1979, in Room 708, Colorado State Bank Building, Denver, Colorado.

Coal Offered: The coal resource to be offered is limited to all strippable reserves of the Wadge and any overlying coal beds in the following described lands located approximately 13 miles southeast of Milner, Colorado:

T. 4 N., R. 86 W., 6th P.M.

Sec. 7: Lot 11 and SE¼
Sec. 8: Lot 4 and SW¼
Sec. 18: Lots 1, 2, 3, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, & 16;
Sec. 19: Lots 2, 3, 4, 5, and those parts of Lots 1, 6, 7, 8, 11, and 12 and that part of the NW¼NE¼ lying north of a line described below*:
Sec. 13: SE¼NE¼, NE¼SE¼, S½SE¼
Sec. 24: NE¼, NE¼NW¼, S½NW¼, N½SW¼, N½N½S½SW¼, NW¼SE¼, N½N½SW¼SE¼, and that part of the E½SE¼ lying north of a line described below*"

*Southern boundary—Beginning at the southwest corner of the N½N½SW¼SW¼ of Sec. 24, T. 4 N., R. 87 W., 6th P.M., Colorado, thence N. 89° 54' E. approximately 3,960 ft. to the southwest corner of the N½N½SE¼SE¼, thence N. 63° 16' E. approximately •1,473 ft. to the northeast corner of the S½S½NE¼SE¼ of said section, thence N. 0° 30' W. approximately 63 ft. along the Range line between Ranges 86 and 87 W., 6th P.M., Colo. to the southwest corner of Lot 12 of Sec. 19, T. 4 N., R. 86 W., 6th P.M., Colo., thence N. 53° 29' E. approximately 6,651 ft. to the northeast corner of the W½NW¼NE¼ of Sec. 19, T. 4 N., R. 86 W., 6th P.M., Colo.

(Containing 1,789.70 acres.) (Bonus must be computed on the basis of 1,790 acres.)

There are approximately 15,600,000 tons of recoverable coal under less than 150 feet of overburden. The coal is noncoking and has an average heating value of approximately 10,300 Btu per pound. The Wadge coal bed averges about 10 feet thick on the tracts.

The successful bidder's coal sales contract, or the successful bidder's average annual production from the existing mine as reflected on September 27, 1977 will be attached to the lease as Appendix 1. Any required rates of production from the leased lands will be included in the Special Stipulations.

Rental and Royalty: A lease issued as a result of this offering will provide for payment of an annual rental of $3 per acre or fraction thereof and a royalty payable to the United States at the rate of 18.3 percent of the value of coal mined by surface methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Advance Royalty: Upon request by the lessee, the Mining Supervisor may accept, for a total of not more than 10 years, the payment of advance royalties in lieu of the condition of continued operation for any particular year. Any payment of advance royalties in lieu of continued operation shall be pursuant to an agreement, signed by the lessee and the Mining Supervisor, which shall be made a part of this lease. The agreement shall include a schedule of payments and shall be subject to the advance royalty conditions set forth in the applicable regulations in 43 CFR Part 3500. The advance royalty shall be based on a percent as specified in the lease of the value of a minimum number of tons which shall be determined on a schedule sufficient to exhaust the leased reserves in 40 years from the date of approval of the mining plan.

Public Comments: The public is invited to submit written comments and any recommendations concerning the Fair Market Value of the Wadge and any overlying coal beds to the Bureau of Land Management for its consideration of fair market value and for U.S. Geological Survey's consideration of resource economic evaluation. Public comments will be sent to the State Director, (CO-946), Bureau of Land Management, Room 700, Colorado State Bank Bldg., 1600 Broadway, Denver, CO 80202, to arrive no later than April 19, 1979.

Qualified Bidder: In addition to the qualification requirements in 43 CFR 3502, the bidder will have to meet the criteria of the Amended Order in *Natural Resources Defense Council, et al. v. Royston C. Hughes, et al.*, Civil Action No. 75-1749, in the United States District Court for the District of Columbia, dated June 14, 1978. If the bidder is other than the applicant, the documents purporting to meet the criteria must be enclosed with the sealed bid.

Warning to Bidders: In accordance with the Federal Coal Leasing Amendments Act of 1976, it will be necessary that the high bidder, as a prospective lessee, disclose the nature and extent of his coal holdings to the Department of Justice before issuance of the lease. A lease will not be issued to a bidder who holds or controls more than 46,080 acres of Federal coal leases in any one state or 100,000 acres of Federal coal leases in the United States. Issuance of this lease is subject to Sec. 714 of the Surface Mining Control and Reclamation Act of August 3, 1977 (91 Stat. 445; 30 U.S.C. 1201).

No bids received after 2:00 p.m., April 24, 1979, will be considered. In the event of tying bids, those bidders will be allowed to submit additional oral bids to break the tie. Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received before the date, time and place set for opening of such bids. The Department of the Interior reserves the right to reject any and all bids and also the right to offer the lease to the next highest qualified bidder if the successful bidder fails to obtain the

lease for any reason. If any bid is rejected, the deposit made on the day of the sale will be returned. Payment of the bonus shall be on a deferred basis, one-fifth due on the day of the sale, and the balance in equal annual installments on the first four anniversary dates of the lease. The successful bidder is obligated to pay for the newspaper publications of this notice.

Notice of Availability: Bidding instructions are included in the Detailed Statement of the Terms and Conditions of Lease Offer and Lease. A copy of the Statement and the Proposed Coal Lease are available at the Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202. All case file documents and written comments submitted by the public on Fair Market Value or royalty rates, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, are available for public inspection in Room 701.

JACK G. LORTS,
Chief, Division of Technical Services.

[FR Doc. 79-9208 Filed 3-26-79; 8:45 am]

[4310-03-M]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before March 1, 1979. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, DC 20240. Written comments or a request for additional time to prepare comments should be submitted by April 6, 1979.

WILLIAM J. MURTAGH,
Keeper of the National Register.

ARIZONA

Maricopa County

Lower Salt River Multiple Resource Area.

CALIFORNIA

Tuolumne County

Yosemite National Park, *Soda Springs Cabin (John Lembert Homestead)* Tuolumne Meadows.

COLORADO

Denver County

Denver, *Oxford Hotel,* 1612 17th St.

Jefferson County

Evergreen, *Evergreen Conference Historic District,* CO 74.

GEORGIA

Barrow County

Winder, *Winder Depot,* Broad and Porter Sts.

Clarke County

Athens, *Cobb-Treanor House,* 1234 S. Lumpkin St.

Hancock County

Jewell, *Jewell Historic District,* GA 248 and GA 16 (also in Warren County).

Oglethorpe County

Philomath, *Philomath Historic District,* GA 22.

ILLINOIS

Cook County

Chicago, *AVR 661 (Crash boat)* Calumet Harbor.

Fulton County

Maples Mills vicinity, *Tampico Mounds,* SE of Maple Mills.

Knox County

Oneida, *Conger, J. Newton, House,* 334 N. Knox St.

Whiteside County

Sterling vicinity, *Sinnissippi Site,* E of Sterling.

INDIANA

Lake County

Gary, *Gary Land Company Building,* 4th Ave. and Pennsylvania St.

Ripley County

Napoleon, *Conwell, Elias, House,* Wilson St. and U.S. 421.

KENTUCKY

Franklin County

Frankfort, *Frankfort Commercial Historic District,* both sides of Kentucky River at Bridge St.

Harrison County

Broadwell, *Kimbrough-Hehr House,* U.S. 62.

Jefferson County

Louisville, *Whiteside Bakery,* 1400 W. Broadway St.
Louisville vicinity, *Farnsley-Moremen House (House of Refuge)* W of Louisville at 10908 Lower River Rd.
Louisville vicinity, *Hise, Harriet Funk, House,* E of Louisville at 9316 Hurstbourne Lane.

LOUISIANA

Caddo County

Shreveport, *Texas Avenue Buildings,* 824-864 Texas Ave.

Catahoula County

Sicily Island vicinity, *Battleground Plantation,* 4 mi. (6.4 km) N of Sicily Island.
Sicily Island vicinity, *Ferry Place,* S of Sicily Island.

Concordia Parish

Vidalia, *Tacony Plantation House,* off U.S. 84.

Pointe Coupee Parish

Lacour vicinity, *Old Hickory,* SE of Lacour.

Rapides Parish

Alexandria . vicinity, *Bennett Plantation House and Store,* E of Alexandria on U.S. 71.

Tensas Parish

Waterproof, *Myrtle Grove Plantation (Old Bass Place)* LA 568.

MARYLAND

Baltimore County

Owings Mills, *St. Thomas Church and Parish,* St. Thomas Lane and Garrison Forest Rd.

MASSACHUSETTS

Essex County

Lawrence, *Essex Company Offices and Yard,* 6 Essex St.
Lynn, *G.A.R. Hall and Museum,* 58 Andrew St.
Rowley, *Chaplin-Clarke House,* 109 Haverhill St.

Hampden County

Springfield, *Kennedy-Worthington Blocks,* 1585-1623 Main St. and 166-190 Worthington St.
Springfield, *Sanderson, Julia, Theater, (Paramount Theater)* 1676-1708 Main St.
Springfield, *Winchester Square Historic District,* U.S. 20.
Wilbraham, *Academy Historic District,* Mountain Rd., Main and Faculty Sts.

Hampshire County

Amherst, *Conkey-Stevens House,* 664 Main St.

Middlesex County

Cambridge, *Abbot, Edwin, House (Longy School of Music* 1 Follen St.

MISSISSIPPI

Tippah County

Blue Mountain, *Blue Mountain College Historic District,* MS 15.

MISSOURI

Lewis County

Lewistown, *Quincy, Missouri, and Pacific Railroad Station,* off MO 16.

Nodaway County

Maryville, *Gaunt, Thomas, House,* 703 College Ave.

MONTANA

Ravalli County

Hamilton, *Ravalli County Courthouse*, 225 Bedford St.

NEBRASKA

Custer County

Broken Bow, *Custer County Courthouse and Jail*, Main St.

Dixon County

Ponca, *Ponca Historic District*, roughly bounded by East, Court, 2nd and 3rd Sts.

NEW JERSEY

Mercer County

Trenton, *Philadelphia and Reading Railroad Freight Station*, 260 N. Willow St.

Morris County

Parsippany vicinity, *Parsippany Village*, NE of Parsippany on U.S. 46.

Passaic County

Passaic, *St. Nicholas Roman Catholic Church*, Washington, State and Ann Sts.

Union County

Plainfield, *Waring, Orville Taylor, House (Runyon Funeral Home)* 900 Park Ave.
Union, *Townley, James, House*, Morris Ave. and Green Lane.

NEW MEXICO

Catron County

Mogollon, *Mogollon Historic District*, NM 78.

Santa Fe County

Los Cerrillos, *Los Cerrillos District*, off NM 10.
Madrid, *Madrid Historic District*, NM 14 (boundary increase).

NEW YORK

Broome County

Binghamton, *Roberson Mansion*, 30 Front St.

Columbia County

Linlithgo vicinity, *Oak Hill*, N of Linlithgo on Oak Hill Rd.

Nassau County

Muttontown vicinity, *Moore, Benjamin, Estate*, N of Muttontown on NY 25A.

OHIO

Darke County

Greenville, *Lansdowne House*, 388 E. 3rd St.

Fairfield County

Pickerington vicinity, *Stemen Road Covered Bridge*, NE of Pickerington over Sycamore Creek.

Montgomery County

Dayton, *Traxler Mansion*, 42 Yale Ave.

Morgan County

McConnelsville, *McConnelsville Historic District*, OH 376 and OH 77.

Stark County

Canton, *Palace Theater*, 605 Market Ave., North.
Canton, *Saxton House*, 331 S. Market St.

OKLAHOMA

Oklahoma County

Oklahoma City, *Heritage Hills Historic and Architectural District*, roughly bounded by Robinson and Walker Aves., 14th, 15th, and 21st Sts. and Classen Blvd.

PENNSYLVANIA

Dauphin County

Hummelstown, *Henderson, Dr. William, House (Fox House)* 31 E. Main St.

Lackawanna County

Scranton, *Dickson Works*, 225 Vine St.

Northampton County

Bethlehem, *Fountain Hill Opera House (Globe Theatre)* 405 Wyandotte St.

Union County

Lewisburg, *Chamberlin Iron Front Building*, 434 Market St.

SOUTH CAROLINA

Lancaster County

Lancaster vicinity, *Mount Carmel A.M.E. Zion Campground*, S. of Lancaster.

TEXAS

Cooke County

Lindsay, *St. Peter's Roman Catholic Church*, Ash St.

Fannin County

Bonham, *Clendenen-Carleton House*, 803 N. Main St.

Nolan County

Sweetwater, *Ragland, R. A., Building*, 113-117 3rd St.

[FR Doc. 79-8801 Filed 3-26-79; 8:45 am]

[4310-70-M]

Office of the Secretary

[INT DES 79-14]

GUNNISON WILD AND SCENIC RIVER STUDY

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for the Gunnison Wild and Scenic River Study.

The Gunnison Wild and Scenic River Study recommends inclusion of a 26-mile (41.8-km) segment of the Gunnison River, Colorado, and 12,900 acres (5,200 ha) of adjacent land to be classified as wild in the National Wild and Scenic Rivers System under the administration of the National Park Service and the Bureau of Land Management, U.S.D.I. This river segment is situated between the upstream boundary of the Black Canyon of the Gunnison National Monument and the confluence of the Gunnison with the Smith Fork River.

Inclusion of this segment of the Gunnison River in the national system will have an overall effect of preserving existing scenic, geologic, recreation, wildlife, and water quality values and other historic and cultural values within this area. Proposed water resource development projects within area will be prohibited.

In addition to the proposed action, other alternatives considered were (1) no action and (2) classification options.

Comments on the draft environmental statement are invited and will be accepted on or before May 11, 1979. Comments should be directed to the division of compliance and Assistance, National Park Service, Rocky Mountain Region, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Rocky Mountain Regional Office, National Park Service, 655 Parfet Street, Post Office Box 25287, Denver, Colorado 80225.
Superintendent Black Canyon of the Gunnison National Monument, Post Office Box 1648, Montrose, Colorado 81401.

Dated: March 16, 1979.

LARRY E. MEIEROTTO,
Assistant Secretary of the Interior.

[FR Doc. 79-9140 Filed 3-26-79; 8:45 am]

[4410-01-M]

DEPARTMENT OF JUSTICE

Office of the Attorney General

TAMPA, FLORIDA

Proposed Consent Decree in Action To Enjoin Discharge of Air and Water Pollutants

In Accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on February 27, 1979, a proposed consent decree in *United States of America* v. *City of Tampa, Florida et al.*, Civil Action No. 77-717-Th (M.D. Fla. Tampa Division) was lodged with the United States District Court for the Middle District of Florida. The proposed consent decree requires cessation of air pollutant emissions and effluent discharges from its municipal incinerator by December 31, 1979. The proposed consent decree also establishes an interim schedule of discharge limitations for cadmium, lead, and aluminum to remain in effect until that time.

If cessation of emissions and discharge is not achieved by the date specified, the defendant is required to pay to the United States the sum of $10,000 for each day that compliance is delayed, unless for good cause shown, the Court should order otherwise. Failure to comply with interim limitations or other decree provisions results in a $5,000 civil penalty for each day of noncompliance.

The proposed consent decree may be examined at the office of the United States Attorney, U.S. Courthouse and Post Office Building, 611 Florida Avenue, Tampa, Florida 33601; at the Region IV office of the Environmental Protection Agency, Enforcement Division, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2645, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree on or before April 26, 1979. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *City of Tampa et al.*, M.D. Fla., Civil Action No. 77-717-Th, D. J. Ref. 90-5-1-1-843.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc. 79-9209 Filed 3-26-79; 8:45 am]

[4410-01-M]

JUDICIAL NOMINATING COMMISSION FOR THE DISTRICT OF PUERTO RICO

Meeting

The Judicial Nominating Commission for the District of Puerto Rico will have its second meeting on April 6, 1979, at 10:00 a.m. for the purpose of screening individuals for interviews. Continuous meetings will also be held April 9 and 10 at 10:00 a.m. and April 11, 1979, at 3:00 p.m. The purpose of these meetings will be to commence interviews. The meetings will be held on the First Floor Theatre of the Fredrico de Getau Federal Building, Chardon Street, Hato Rey, Puerto Rico. These meetings will be closed to the public pursuant to Pub. L. 92-463, Section 10(D) as amended. (CFR 5 U.S.C. 552b(c)(6).)

JOSEPH A. SANCHES,
Advisory Committee Management Officer.

MARCH 20, 1979.

[FR Doc. 79-9216 Filed 3-26-79; 8:45 am]

[4110-09-M]

Drug Enforcement Administration

[Docket No. 78-11]

TWELVE OAKS TOWER PHARMACY TIMOTHY A. HAYES, R. PH.

Revocation of Registration Denial of Application

On May 25, 1978, the Administrator of the Drug Enforcement Administration [DEA] issued to Twelve Oaks Tower Pharmacy, Timothy A. Hayes, R.Ph. [Respondent], an Order to Show Cause proposing to revoke the Respondent's DEA Certificate of Registration, AT6058906, and to deny the Respondent's pending application for registration. Simultaneously, citing his finding of imminent danger to the public health and safety, the Administrator, pursuant to Title 21, United States Code, section 824(d), suspended the Respondent's registration pending a final determination in these proceedings.

The Order to Show Cause and the immediate suspension of The Respondent's registration were based upon the conviction of Mr. Hayes of felony offenses relating to controlled substances.

On June 23, 1978, the Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. Prehearing statements were filed, a prehearing conference was held by telephone and, on September 13, 1978, a prehearing ruling was issued. On October 16, 1978, in Houston, Texas, the hearing in this matter was held, the Honorable Francis L. Young, Administrative Law Judge, presiding. Thereafter, pursuant to 21 CFR 1316.64, counsel for the Government and for the Respondent were afforded an opportunity to file proposed findings of fact and conclusions of law with a statement of reasons therefor. The Government has filed proposed findings of fact and conclusions of law; the respondent has failed to do so.

On December 29, 1978, the Administrative Law Judge, pursuant to 21 CFR 1316.65, transmitted to the Administrator the entire record of these proceedings together with the Administrative Law Judge's report including his Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law, and a Recommended Decision. The Administrator has considered the record of this matter in its entirety and, pursuant to 21 CFR 1316.66, hereby publishes his final order in these proceedings.

Judge Young found, *inter alia*, that Respondent Timothy A. Hayes was indicted, along with Thomas Edward Bennett, D.O. [See DEA Docket No. 78-10, 43 FR 43571], and ten other defendants, in a seventy-nine count indictment charging felony violations of the Controlled Substances Act. Count One of the indictment charged the defendants with conspiracy, while Counts Six through Nine and Forty-eight through Seventy-nine charged Mr. Hayes with knowingly, intentionally and unlawfully dispensing Dilaudid and Preludin, Schedule II controlled substances, in violation to 21 U.S.C. 841(a)(1). Following his plea of not guilty, Mr. Hayes was tried and found guilty by a jury of all counts of the indictment as set forth above. On May 25, 1978, in the United States District Court for the Southern District of Texas, Timothy A. Hayes, R. Ph., was adjudged convicted of each of the aforementioned offenses.

Sgt. Donald Gene Cohn of the Texas Department of Public Safety, Narcotic Service, testified in the hearing of this matter as a witness for the Government. Sgt. Cohn became involved in the investigation of the Respondent subsequent to the arrest of one Claude W. Meade as Mr. Meade was leaving Twelve Oaks Tower Pharmacy with 32 prescription vials of Dilaudid and Preludin which Mr. Meade had obtained at the Respondent pharmacy. Mr. Meade told the investigators that Mr. Hayes had been providing him, and others, with prescription blanks of Dr. Bennett, which the recipient would usually take to Dr. Bennett for signature and then return with them, to Twelve Oaks Tower Pharmacy, to be filled. During the period of January through May, 1977, Mr. Meade, by this means, obtained and had filled some 657 prescriptions for which he received 65,700 dosage units of Schedule II controlled substances. At Mr. Hayes' trial, Dr. Bennett testified that during the period covered by these prescriptions, he was under the influence of alcohol most of the time, and that during this entire period, he had no legitimate patients.

Judge Young further found that on or about May 26, 1978, pursuant to 21 U.S.C. 824(f), agents of the Drug Enforcement Administration placed under seal, and removed for safekeeping, all controlled substances then possessed by Mr. Hayes and Twelve Oaks Tower Pharmacy pursuant to, or under the authority of, the registration which was suspended on or about May 25, 1978, pursuant to 21 U.S.C.

824(d). On or about June 21, 1978, Mr. Hayes sold to a Mr. David Walsh, the business and certain fixtures, inventory and assets of Twelve Oaks Tower Pharmacy. Although the Respondent's counsel was apparently of the opinion that the Respondent's successor in interest was entitled to possession of these controlled substances, the Administrative Law Judge found that the asset purchase agreement between Mr. Hayes and Mr. Walsh specifically provided that there were "no actions or pending litigations involving the Seller's assets to be sold hereunder which would impair, Seller's right or ability to sell such assets to purchasers as contemplated * * *" Furthermore, Judge Young found that while the asset purchase agreement referred to a list of equipment, fixtures and inventory covered by the said agreement, no such list was attached to the copy of the agreement placed in evidence by the Respondent. Thus, the Administrative Law Judge concluded that there was no evidence in the record to establish that the Respondent had attempted to sell to Walsh its right, title and interest in the seized drugs.

The Respondent has raised as an issue in this matter the question of whether this administrative action could properly be based upon Mr. Hayes' felony conviction when that conviction was being appealed and, hence, was "not final." Citing several cases in what has now become long-established precedent in these proceedings, the Administrative Law Judge concluded that once a criminal trial court has entered judgment of conviction against a person, he has been "convicted" insofar as 21 U.S.C. 824(a)(2) is concerned.

Judge Young further found that the Administrator "clearly had good reason to summarily suspend the Respondent's DEA registration. This pharmacy had become an uncontrolled fountain illegally pouring forth dangerous substances into the community in enormous quantities, in flagrant violation of law, and with wanton lack of concern for the public health and welfare. This agency would have been remiss had it not acted immediately and effectively to turn it off."

The Adinistrative Law Judge reached the following conclusions of law:

1. Notwithstanding the fact that Timothy Alden Hayes has appealed his conviction, he has been "convicted" of felony offenses relating to controlled substances within the meaning of 21 U.S.C. 824(a)(2).

2. There is a lawful basis, pursuant to 21 U.S.C. 824(a)(2), for the revocation of the Respondent's DEA Certificate of Registration, as well as for the denial of Respondent's pending application for registration.

3. There can be no question but that Mr. Hayes' manner of handling controlled substances posed an imminent danger to the public health and safety within the meaning of 21 U.S.C. 824(d) and under the facts and circumstances shown here, the Administrator's decision to immediately suspend the Respondent's registration was totally justified and supported by evidence of gross misconduct with respect to controlled substances.

4. The controlled substances obtained or possessed by the Respondent pursuant to its suspended registration are lawfully held by the Drug Enforcement Administration.

Judge Young recommended that the Respondent's registration be revoked and that its pending application be denied. The Administrator, after reviewing the record of these proceedings, hereby adopts, in their entirety, the recommended rulings, findings of fact, conclusions of law and decision of the Administrative Law Judge.

In consideration of the foregoing, it is the Administrator's decision that the Respondent's registration should be revoked and its pending application for registration denied. Accordingly, pursuant to the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act (21 U.S.C. 823 and 824), and redelegated to the Administrator of the Drug Enforcement Administration pursuant to 28 CFR 0.100, the Administrator hereby orders that DEA Certificate of Registration AT6058906, previously issued to Twelve Oaks Tower Pharmacy, Timothy A. Hayes, R.Ph., be, and it hereby is, revoked, and that the said Respondent's application for registration be, and it hereby is, denied.

21 CFR 1316.66 provides that a final order in a proceeding such as this one shall specify the date on which it shall take effect and that such date shall not be less than thirty days from the date of publication in the Federal Register unless the Administrator finds that there exist emergency conditions necessitating an earlier effective date. The record of these proceedings clearly indicate that the Respondent, Mr. Hayes, is no longer engaged in the practice of pharmacy at Twelve Oaks Tower Pharmacy. The purpose of the thirty day rule is to permit a registrant whose registration has been terminated to commence the orderly disposal of his business. In this case, while no emergency presently appears to exist, it is neither in Mr. Hayes' interest, nor the public interest, to further delay the effective date of this order. therefore, the Respondent's registration is revoked, and its application denied, effective March 27, 1979.

Dated: March 21, 1979.

PETER B. BENSINGER,
Administrator, Drug Enforcement Administration.

[FR Doc. 79-9172 Filed 3-26-79; 8:45 am]

[4510-43-M]

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-79-20-C]

CARBON COUNTY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Carbon County Coal Company, Post Office Box 370, Hanna, Wyoming 82327, has filed a petition to modify the application of 30 CFR 75.326 (mine entries) to its Carbon No. 1 Mine in Carbon County, Wyoming. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, P.L. 95-164.

The substance of the petition follows:

1. Due to abutment pressures in the petitioner's mine, the use of a three-entry system would result in a diminution of safety to its miners.

2. As an alternative, the petitioner proposes to use a two-entry system with longwall mining in which the belt line is in the return entry.

3. The petitioner states that the two-entry system has the following advantages:

a. With only one chain pillar between areas to be mined by the longwall, there can be better crushing of the pillar and presure is more gradually released than with a three-entry, two chain pillar system.

b. A two-entry system exposes less roof and rib area, reducing the chance of roof and rib failure and possible injury to miners.

c. Less area is opened up with a two-entry system, liberating less methane during the development cycle. Since ventilation requirements at the face are the same as those of a three-entry system, the percentage of methane in the return will be lessened, reducing ignition hazard.

d. Less surface area is exposed to mining in a two-entry system, reducing quantities of both respirable dust and float dust.

e. A two-entry system can be better sealed than a three-entry system in the event of spontaneous combustion occurring.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before April 26, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine

Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 16, 1979

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-9222 Filed 3-26-79; 8:45 am]

[4510-43-M]

[Docket No. M-79-24-C]

CLINCHFIELD COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Clinchfield Coal Company, Dante, Va., 24237 has filed a petition to modify the application of 30 CFR 75.326 (mine entries) to its McClure No. 2 Mine in Buchanan County, Va. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner proposes to install a belt conveyor system in the return air course of a two entry system currently under development. The petitioner further proposes to direct about 50,000 cfm of air through the two entries.

2. The belt drive of the conveyor system and its electrical components will be on the surface. All electrical components (control cable, switches, and the belt sensoring system) located in the belt entry will be either of the permissible type or approved as intrinsically safe.

3. A haulage system used for mantrip and supply purposes would be located in the intake airway. Only battery powered motorized equipment will be employed for transportation purposes.

4. The petitioner states that its alternative method will at all times provide a greater degree of safety than the standard for the following reasons:

a. The possibility of belt air reaching working faces is eliminated.

b. Permissible type or intrinsically safe electrical components confined to one cable, three switches and a fire sensoring system will decrease the possibility of shock hazards, and a fire hazard is eliminated.

c. Trolley wire as power source, historically an electric shock and fire hazard, is eliminated.

d. Roof control would be enhanced by keeping fault area to a minimum.

e. The exposure time of persons to hazards associated with mining rock would be decreased as the development of only two entries will reduce the time needed to drive the tunnel by about one-third.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before April 26, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 16, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-9220 Filed 3-26-79; 8:45 am]

[4510-43-M]

[Docket No. M-79-26-C]

J & H COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

J & H Coal Company, Inc., P.O. Box 337, Masontown, W. Va. 26542 has filed a petition to modify the application of 30 CFR 75.1710 (canopies) to its No. 17 Mine located in Preston County, Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of the petition follows:

1. The petitioner is mining coal seams which average about 48 inches in height.

2. Due to undulating pavement, rolls in the roof and roof supports, the height of the petitioner's equipment cannot exceed 36 inches in order to allow for adequate clearance.

3. When the petitioner operated its scoop with a canopy, the canopy tore out roof bolts, wooden headers and steel plates, causing roof falls.

4. The petitioner states that the use of cabs or canopies on electric face equipment in its mine will result in a diminution of safety to its miners for the following reasons:

a. Canopies restrict an operator's field of view so he cannot see and observe roof conditions or see his helper and other miners in the area at all times.

b. The cramped and confined position of an operator under a canopy makes it impossible for him to maintain complete control of his equipment and impairs his reaction to any emergency situation.

c. Canopies do not allow sufficient clearance between the canopy top and the roof line and roof supports.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before April 26, 1979. Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: March 16, 1979.

ROBERT B. LAGATHER,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 79-9221; Filed 3-26-79; 8:45 am]

[4510-28-M]

Office of the Secretary

[TA-W-4565]

ASG INDUSTRIES, INC., JEANNETTE, PENNSYLVANIA

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA—W-4565: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 2, 1979 in response to a worker petition received on December 27, 1978 which was filed by the United Glass and Ceramic Workers of North America on behalf of workers and former workers producing flat glass at the Jeannette, Pennsylvania plant of ASG Industries, Incorporated. The investigation revealed that the plant primarily produces a type of flat glass known as sheet glass.

The Notice of Investigation was published in the FEDERAL REGISTER on January 9, 1979 (44 FR 2033). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of ASG Industries, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations,

or threat thereof, and to the absolute decline in sales or production.

The evidence developed during the Department's investigation revealed that the closure of the Jeannette plant is attributable to the switch in the flat glass industry from sheet glass to domestically produced float glass.

The Department's survey of customers of the Jeannette plant reflected the switch within the industry. Customers which increased import purchases from 1977 to 1978 represented an insignificant percentage of the decline in sales by the Jeannette plant during the same period.

Customers indicated that the sheet glass method of production is obsolete, and has been largely replaced by the float glass method. Furthermore, customers had substantially increased their float glass purchases from both ASG and other domestic sources in 1978 compared to 1977.

This view reinforces previous findings by the Department in which it determined that the major cause for the closing of sheet glass plants in the United States is the development of the float glass method, which is capable of producing glass of superior quality and at less cost than that produced by the sheet glass method. (See TA-W-513, TA-W-943, and TA-W-2084-86).

ASG Industries closed the Jeannette plant because it considered the plant and the sheet glass method of production obsolete and relatively expensive to operate in comparison to ASG Industries' other plants.

Conclusion

After careful review, I determine that all workers of the Jeannette, Pennsylvania plant of ASG Industries, Incorporated are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of March 1979.

Harry J. Gilman,
Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-9219 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4585 A-O]

CONSOLIDATION COAL CO.; SOUTHERN APPALACHIA REGION

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In the matter of:

A. Eckman operation—McDowell County, W. Va.
B. Maitland operation—McDowell County, W. Va.
C. Crane Creek operation—Mercer County, W. Va.
D. Beechfork operation—McDowell County, W. Va.
E. Jenkins Jones operation—McDowell County, W. Va.
F. Buckeye operation—Wyoming County, W. Va.
G. Turkey Gap operation—Mercer County, W. Va.
H. Eckman Page operation—McDowell County, W. Va.
I. Coal Bank Strip operation—McDowell County, W. Va.
J. Three Forks Strip operation—McDowell County, W. Va.
K. Horsepen Strip operation—McDowell County, W. Va.
L. Reed Strip operation—McDowell County, W. Va.
M. Pocahontas Reclaim Plant—Tazewell County, Va.
N. Pageton Preparation Plant—McDowell County, W. Va.
O. Amonate operation—McDowell County, W. Va.
Rowland operation—Raleigh County, W. Va.

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4585 A-O: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 8, 1979 in response to a worker petition received on December 18, 1978 which was filed by the United Mine Workers of America on behalf of workers and former workers mining and preparing coal at facilities of Consolidation Coal Company, Southern Appalachia Region, Pocahontas, Virginia. The investigation revealed that the Southern Appalachia Region's facilities are located in McDowell, Mercer, Raleigh and Wyoming Counties, West Virginia and Tazewell County, Virginia.

The Notice of Investigation was published in the Federal Register on January 19, 1979 (44 FR 4029-30). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Consolidation Coal Company, its customers, the U.S. Department of the Interior, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Eckman (TA-W-4585-A), Maitland (TA-W-4585-B) and Crane Creek (TA-W-4585-C) Operations

Evidence developed in the course of the investigation revealed that declines in sales and production at the three operations can be explained by a drop in foreign sales as well as the effect of the UMW strike in the first quarter of 1978 and the Norfolk and Western Railroad strike in the third quarter of 1978.

All production workers of Consolidation Coal Company participated in the United Mine Workers strike from December 7, 1977 to March 27, 1978. Total domestic sales of Consolidation Coal's Southern Appalachia Region increased in the period April through November, 1978 compared to the same period in 1977. Coal from the Eckman, Maitland and Crane Creek mines was cleaned at and shipped from the Crane Creek Preparation Plant. Domestic sales from the Crane Creek Plant increased in 1978 compared to 1977, while foreign sales decreased sharply. The increase in domestic sales in 1978 compared to 1977 occurred despite the effects of strikes in the first and third quarters of 1978.

Production of coal at both the Maitland and Crane Creek Operations increased in the second and fourth quarters of 1978 compared to the same quarters in 1977. The second and fourth quarters were the only quarters in 1978 in which production was unaffected by strikes. Production and sales are nearly the same at all Consolidation Coal facilities.

Beechfork (TA-W-4585-D) and Jenkin Jones (TA-W-4548-E) Operations

The Jenkin Jones and Beechfork mines produce metallurgical coal which is used to produce coke. Coke is metallurgical coal at a later stage of production, and therefore can be considered "like or directly competitive" with metallurgical coal.

Coal from the Jenkins Jones and Beechfork mines was cleaned and shipped from the Jenkins Jones preparation plant. A Department survey of domestic cutomers purchasing coal from this plant revealed that the only domestic customer who decreased purchases of coal from 1977 to 1978 from the Jenkins Jones preparation plant did not purchase imported metallurgical coal or coke.

Buckeye (TA-W—4585F), Turkey Gap (TA-W-4585G), Eckman Page (TA-W-4585H), Coal Bank Strip (TA-W-4585I, Three Forks Strip (TA-W-4585J), Horsepen Strip (TA-W-4585K), Reed Strip (TA-W-4585L) Operations; Pocahontas Reclaim Plant (TA-W-4585M), and Pageton Preparation Plant (TA-W-4585N)

Evidence develop in the course of the investigation revealed that these facilities export nearly one hundred percent of their output of coal. While Consolidation Coal, Southern Appalachia Region's domestic sales increased in the period April through November, 1978 (eliminating months affected by the UMW strike) compared to the same period in 1977, foreign sales decreased significantly during this period. The cutbacks in employment which occurred, chiefly at the Buckeye and Turkey Gap Operations, resulted from a loss of foreign markets rather than any penetration of imports of coal or coke into Consolidation Coal Company's domestic markets.

Amonate Operation (TA-W-4585-O)

Evidence developed in the course of the investigation revealed that significant separations did not occur except for those idle days attributable to either the UMW coal strike or to the Norfolk and Western railroad strike or railroad car shortage. There have been no worker layoffs at the Amonate Operation, only idle days. Nearly all of these idle days are attributable to either the UMW coal strike or the Norfolk and Western railroad strike or railroad car shortage.

Rowland Operation (TA-W-4585)

The majority of the Rowland Operation's coal is exported. A Department survey revealed that the only significant domestic customer increased its purchases of coal from Rowland in 1978 compared to 1977.

CONCLUSION

After careful review, I determine that all workers of the following facilities of Consolidation Coal Company, Southern Appalachia Region are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

TA-W-4585-A. Eckman operation—McDowell County, W. Va.
TA-W-4585-B. Maitland operation—McDowell County, W. Va.
TA-W-4585-C. Crane Creek operation—Mercer County, W. Va.
TA-W-4585-D. Beechfork operation—McDowell County, W. Va.
TA-W-4585-E. Jenkin Jones operation—McDowell County, W. Va.
TA-W-4585-F. Buckeye operation—Wyoming County, W. Va.
TA-W-4585-G. Turkey Gap operation—Mercer County, W. Va.
TA-W-4585-H. Eckman Page operation—McDowell County, W. Va.
TA-W-4585-I. Coal Bank strip operation—McDowell County, W. Va.
TA-W-4585-J. Three Forks strip operation—McDowell County, W. Va.
TA-W-4585-K. Horsepen strip operation—McDowell County, W. Va.
TA-W-4585-L. Reed strip operation—McDowell County, W. Va.
TA-W-4585-M. Pocahontas reclaim plant—Tazewell County, Va.
TA-W-4585-N. Pageton Preparation plant—McDowell County, W. Va.
TA-W-4585-O. Amonate operation—McDowell County, W. Va.
TA-W-4585. Rowland operation—Raleigh County, W. Va.

Signed at Washington, D.C. this 19th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-9217 Filed 3-26-79; 8:45 am]

[4510-28-M]

Office of the Secretary

[TA-W-4538]

ABERDEEN SPORTSWEAR, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4538: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 19, 1978, in response to a worker petition received on December 14, 1978, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing cloth outerwear for men at the Belmar, New Jersey, plant of Aberdeen Sportswear, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on December 29, 1978 (43 FR 61039). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Aberdeen Sportswear, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boy's nontailored outer jackets increased absolutely and relatively in 1977 compared to 1976 and increased absolutely in the first nine months of 1978 compared to the same period of 1977.

Evidence developed during the course of the investigation revealed that customers accounting for a significant proportion of the decline in Aberdeen's sales in 1978 compared to 1977 increased purchases of imported outer coats during the same time period. Additionally, these customers have reduced orders placed with Aberdeen for delivery in 1979. The resultant decline in output at Aberdeen was a major factor in the shutdown of the Belmar plant.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's outer coats produced at the Belmar, New Jersey, plant of Aberdeen Sportswear, Incorporated contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Belmar, New Jersey, plant of Aberdeen Sportswear, Incorporated engaged in employment related to the production of men's outer coats who became totally or partially separated from employment on or after September 1, 1978, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of March 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-9241 Filed 3-26-79; 8:41 am]

[4510-28-M]

[TA-W-4719]

BEMIS COMPANY, INC. BEMISTON PLANT

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4719: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 18, 1979, in response to a worker petition received on January 15, 1979, which was filed on behalf of workers and former workers producing canvas, yarn and industrial thread at Bemis Company, Incorporated, Talladega, Alabama. The investigation re-

vealed that the workers primarily produce industrial weight greige fabric, heavy twisted yarn and tying twine at the Bemiston Plant of Bemis Company, Incorporated, Talladega, Alabama.

The Notice of Investigation was published in the FEDERAL REGISTER on January 26, 1979 (44 FR 5533). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Bemis Company, Incorporated, its customers, the National Cotton Council of America, the American Textile Manufacturers Institute, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. With respect to workers producing industrial weight greige fabric it is concluded that all of the requirements have been met.

U.S. imports of greige woven industrial cotton fabric increased from 158 million square yards during the period January through September 1977 to 193 million square yards during the same period in 1978.

The Department conducted a survey of the Bemiston Plant's customers. The survey revealed that some customers increased purchases of imported industrial weight greige fabric during the period 1976 through 1978 and decreased fabric purchases from the Bemiston Plant during that period.

With respect to workers producing heavy twisted yarn and tying twine, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production of heavy twisted yarn and tying twine increased in 1978 compared with 1977.

CONCLUSION

After careful review of the facts obtained in the ivestigation, I conclude that increases of imports of articles like or directly competitive with industrial weight greige fabric produced at the Bemiston Plant of Bemis Company, Incorporated, Talladega, Alabama, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Bemiston Plant of Bemis Company, Incorporated, Talladega, Alabama, engaged in employment related to the production of industrial weight greige fabric who became totally or partially separated from employment on or after January 12, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

I further determine that all workers of Bemiston Plant of Bemis Company, Incorporated, Talladega, Alabama, engaged in employment solely related to the production of heavy twisted yarn and tying twine are denied eligibility to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-9246 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4695]

BIRWIN TROUSERS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4695: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 15, 1979, in response to a worker petition received on January 9, 1979, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's trousers at Birwin Trousers, Incorporated, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on January 26, 1979 (44 FR 5533). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Birwin Trousers, Incorporated, its manufacturer, the manufacturer's customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored suits increased absolutely in each year from 1973 through 1977. Imports declined slightly from 1977 to 1978. The ratio of imports to domestic production of tailored suits increased from 19.0 percent in 1976 to 20.0 percent in 1977.

Evidence developed during the course of the investigation revealed that Birwin Trousers, Incorporated, performed contract work exclusively for one manufacturer. This manufacturing firm experienced declining sales from 1977 to 1978 and its workers have also petitioned the Department of Labor for trade adjustment assistance benefits.

A Departmental survey was conducted of the retail customers of the manufacturer from whom Birwin Trousers, Incorporated, received its contracts. The survey revealed that customers increased their purchases of imported men's suits and decreased their purchases from the manufacturer in 1977 as compared to 1976 and in 1978 as compared to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's trousers produced at Birwin Trousers, Incorporated, New York, New York, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Birwin Trousers, Incorporated, New York, New York who became totally or partially separated from employment on or after January 14, 1979, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-9242 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4470]

BURLINGTON INDUSTRIES, NEW YORK SALES OFFICE OF THE SPORTSWEAR DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4470: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1978, in response to a worker petition received on December 4, 1978, which was filed on behalf of workers and former workers of the Galey and Lord Division of Burlington

Industries, New York, New York. The investigation revealed that the correct name of the subdivision employing the workers for which this petition was submitted is the New York Sales Office of the Sportswear Division, Burlington Industries, New York, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on December 19, 1978 (43 FR 59165). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Burlington Industries, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Textile Manufacturers Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

In October, 1977 Burlington announced that the Sportswear Division would discontinue the marketing of the Galey and Lord line of fabric. Production of the Galey and Lord line ceased on March 3, 1978. Fabric continued to be sold from inventory through the third quarter of 1978.

Results of a U.S. Department of Labor survey indicated that most customers who responded to the survey did not increase purchases of imported fabric in 1977 and 1978 while decreasing purchases from the Sportswear Division.

CONCLUSION

After careful review, I determine that all workers of the New York Sales Office of the Sportswear Division, Burlington Industries, New York, New York, are denied eligibility to apply for adjustment assistance unde Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of March 1979.

GLORIA S. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc. 79-9243 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4222]

E. I. DUPONT DE NEMOURS AND CO., INC., CHAMBERS WORKS

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4222: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on September 29, 1978, in response to a worker petition received on September 22, 1978, which was filed by the Chemical Workers Association, Incorporated on behalf of workers and former workers producing dyes and intermediates at the Chambers Works, Deepwater, New Jersey of E. I. Dupont de Nemours and Company, Incorporated, Wilmington, Delaware.

The Notice of Investigation was published in the FEDERAL REGISTER on October 17, 1978 (43 FR 44795). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of E. I. Dupont de Nemours and Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of synthetic organic dyes declined absolutely in the first three quarters of 1978 compared to the same period in 1977. Data on domestic production of organic dyes was not available for the first three quarters of 1978. The volume of U.S. exports of synthetic organic dyes exceeded the volume of imports by more than 80 percent in each year from 1974 through 1977 and by more than 150 percent in the first three quarters of 1978.

The ratio of U.S. imports to domestic production of cyclic intermediates was less than one percent in each year from 1973 through 1977. The volume of U.S. exports of cyclic intermediates was more than five times as great as the volume of imports in every year from 1973 through 1977 and in the first three quarters of 1978.

The Office of Trade Adjustment Assistance conducted a survey of customers of the Chambers Works of Dupont. None of the customers of organic dyes surveyed reduced purchases of organic dyes from Dupont and increased purchases of imported organic dyes in 1977 compared to 1976 or in 1978 compared to 1977. Customers who reduced purchases of cyclic intermediates from Dupont and increased purchases of imported cyclic intermediates in 1977 compared to 1976 were not a significant proportion of Dupont's sales. No customer surveyed reduced purchases of cyclic intermediates from Dupont and increased purchases of imported cyclic intermediates in 1978 compared to 1977.

CONCLUSION

After careful review, I determine that all workers of the Chambers Works, Deepwater, New Jersey of E. I. Dupont de Nemours and Company, Incorporated, Wilmington, Delaware, engaged in employment related to the production of organic dyes and cyclic intermediates, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of March 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-9244 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4698]

GROSSMAN CLOTHING COMPANY, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4698: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 15, 1979, in response to a worker petition received on January 9, 1979, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's suits and sportcoats at Grossman Clothing Company, Incorporated, New York, New York.

The Notice of Investigation was published in the REDERAL REGISTER on January 26, 1979 (44 FR 5533). No

public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Grossman Clothing Company, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' tailored suits increased in each year from 1973 through 1977. Imports declined slightly from 1977 to 1978. The ratio of imports to domestic production of tailored suits increased from 19.0 percent in 1976 to 20.0 percent in 1977.

U.S. imports of men's and boy's tailored dress coats and sportcoats increased from 1975 to 1976, declined from 1976 to 1977 and then increased from 1977 to 1978. The ratio of imports to domestic production was 26.5 percent in 1977; this ratio is not currently available for 1978.

A Department of Labor survey was conducted of customers of Grossman Clothing Company, Incorporated. The survey revealed that customers increased their purchases of imported men's suits and sportcoats and decreased their purchases from Grossman Clothing Company in 1977 as compared to 1976 and in 1978 as compared to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's suits and sportcoats produced at Grossman Clothing Company, Incorporated, New York, New York, contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Grossman Clothing Company, Incorporated, New York, New York, who became totally or partially separated from employment on or after January 14, 1979 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-9245 Filed 3-26-79;8:45 am]

[4510-28-M]

[TA-W-4775]

GULF & WESTERN, INC., TAYLOR FORGE GROUP, WOODSTOCK DIVISION

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4775: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 1, 1979 in response to a worker petition received on January 29, 1979 which was filed by the International Brotherhood of Boilermakers on behalf of workers and former workers producing various types of forged fittings at the Taylor Forge-Woodstock Division, Memphis, Tennessee.

The investigation revealed that the correct name of the company is Gulf & Western, Incorporated, Taylor Forge Group, Woodstock Division, Memphis, Tennessee.

The Notice of Investigation was published in the FEDERAL REGISTER on February 9, 1979 (44 FR 8381). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Gulf & Western, Incorporated, Taylor Forge Group, Woodstock Division, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales of forged fittings at the Woodstock Division in terms of 1976 dollars increased in 1978 compared to 1977. Production statistics are not maintained by the company.

CONCLUSION

After careful review, I determine that all workers of Gulf & Western, Incorporated, Taylor Forge Group, Woodstock Division, Memphis, Tennessee are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management Administration and Planning.

[FR Doc. 79-9247 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4776]

HERLEY SHOE CORP.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4776: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 1, 1979, in response to a worker petition received on January 29, 1979, which was filed on behalf of workers and former workers producing men's leather slippers at the Herley Shoe Corporation, Haverhill, Massachusetts.

The Notice of Investigation was published in the FEDERAL REGISTER on February 9, 1979 (44 FR 8381). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Herley Shoe Corporation, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

U.S. imports of house slippers decreased from 28.0 million pairs in 1976 to 24.2 million pairs in 1977 and to 13.8 million pairs in 1978. The ratio of imports to domestic production decreased from 43.1 percent in 1976 to 36.7 percent in 1977 and to 22.2 percent in 1978.

Imports of leather slippers, a subcategory of house slippers, decreased from .11 million pair in 1977 to .05 million pair in 1978.

CONCLUSION

After careful review, I determine that all workers of Herley Shoe Corporation, Haverhill, Massachusetts are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of March 1979.

GLORIA S. PRATT,
Director, Office of Foreign Economic Policy.

[FR Doc. 79-9248 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4531]

LEEMAR KNITTING MILLS, INC./WINMORE KNITTING MILLS, LTD./MARLEE TRIM, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4531: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1978 in response to a worker petition received on December 11, 1978 which was filed on behalf of workers and former workers producing woven ladies' and men's wear at Leemar Knitting Mills, Incorporated/Winmore Knitting Mills, Limited, Long Island City, New York. The investigation revealed that the correct name should have been Leemar Knitting Mills, Incorporated/Winmore Knitting Mills, Limited/Marlee Trim, Incorporated and that the articles produced by the subject firm were women's knit sportswear and men's sweaters.

The Notice of Investigation was published in the FEDERAL REGISTER on December 29, 1978 (43 FR 61038-9). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Leemar Knitting Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's suits (including pantsuits) decreased from 408 thousand dozen in 1976 to 384 thousand dozen in 1977, but increased from 201 thousand dozen during the period January through September 1977 to 318 thousand dozen in the same period in 1978. Imports of women's, misses' and children's skirts decreased from 791 thousand dozen in 1976 to 654 thousand dozen in 1977, but increased from 442 thousand dozen during the period January through September 1977 to 1 million 68 thousand dozen in the same period in 1978. Imports of women's, misses' and children's blouses and shirts increased from 30 million 273 thousand dozen in 1976 to 30 million 849 thousand dozen in 1977, and increased from 24 million 36 thousand dozen during the period January through September 1977 to 28 million 505 thousand dozen in the same period in 1978. Imports of women's, misses' and children's coats and jackets increased from 2 million 252 thousand dozen in 1976 to 2 million 723 thousand dozen in 1977, and decreased from 2 million 81 thousand dozen in the first nine months of 1977 to 1 million 906 thousand dozen the same period in 1978. Imports of women's, misses' and children's dresses decreased from 1 million 614 thousand dozen in 1976 to 1 million 420 thousand dozen in 1977, but increased from 1 million 77 thousand dozen in the first nine months of 1977 to 1 million 345 thousand dozen in the same period in 1978. Imports of men's sweaters increased from 26.5 million units in 1976 to 28.3 million units in 1977, and increased again from 22.6 million units in the first nine months of 1977 to 33.2 million units in the same period in 1978.

Results of a U.S. Department of Labor survey indicated that Leemar's major customer, a producer of women's knit sportswear, reduced purchases from Leemar in response to a decrease in its sales caused by its own customers switching to imports. In addition, the survey indicated that Leemar's major men's sweater customer increased purchases of imports during the second half of 1978 as compared to the first half of the year.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's knit suits, skirts, blouses, jackets and dresses, and men's knit sweaters produced at Leemar Knitting Mills, Incorporated/Winmore Knitting Mills, Limited/Marlee Trim, Incorporated, Long Island City, New York contributed importantly to the delcine in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisons of the Act, I make the following certification:

All workers of Leemar Knitting Mills, Incorporated/Winmore Knitting Mills, Limited/Marlee Trim, Incorporated, Long Island City, New York who became totally or partially separated from employment on or after June 1, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 20th day of March 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-9249 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4395-A-E; TA-W-4395]

LEVIN AND HECHT D.B.A. BRUNSWICK SHIRT CO. AND FLEET-LINE INDUSTRIES, INC.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4395-A-E: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initialed on November 16, 1978 in response to a worker petition received on November 14, 1978 which was filed on behalf of workers and former workers producing men's and boys' sport shirts and jeans at Levin and Hecht, d.b.a. Brunswick Shirt Company, New York, New York. The investigation revealed that Levin and Hecht is an apparel manufacturer in an integrated sales and production apparel operation. Levin and Hecht markets men's and boys' woven and knit shirts and gym shorts produced at Fleet-Line Industries, Incorporated. Levin and Hecht and Fleet-Line are commonly managed by the same parent firm. Petition TA-W-4395 has been expanded to cover workers at Fleet—Line Industries' production facilities in Garland, North Carolina (4395-A), Lumberton, North Carolina (4395-B), Salemburg, North Carolina (4395-C), Justice, North Carolina (4395-D) and Stanhope, North Carolina (4395-E). Workers at Fleet-Line Industries, Lumberton, North Carolina warehouse (serving all company plants) are included in TA-W-4395-B.

The Notice of Investigation was published in the FEDERAL REGISTER on November 24, 1978 (43 FR 55011-12). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Fleet-Line Industries, Incorporated, Levin and Hecht, Levin and Hecht's customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met for the Lumberton, North Carolina production facility:

That a significant number or proportion of the workers in the worker's firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partically separated.

Lumberton plant employment and hours worked increased in 1978 compared to 1977. Employment increased in the fourth quarter of 1977 and in each quarter of 1978 compared to the same quarter of the previous year. Lumberton plant production of knit shirst increased in the first eleven months of 1978 compared to the first eleven months of 1977. Plant production increased in the first, second, and third quarters of 1978 when compared to the same quarters in the previous year. Increasing production and employment at Lumberton are attributable to the introduction of contract work for another manufacturer in 1978.

With regard to Levin and Hecht (d.b.a. Brunswick Shirt Company) and to the Garland, North Carolina, Salemburg, North Carolina, Justice, North Carolina, Stanhope, North Carolina plants and Lumberton, North Carolina warehouse of Fleet-Line Industries, incorporated. It is concluded that all of the criteria have been met.

Imports of men's and boy's woven sport shirts declined absolutely but increased relative to domestic production in 1977 compared to 1976 and then increased from 56.8 million units in the first three quarters of 1977 to 72.3 million units in the first three quarters of 1978. Imports of men's and boys' knit sports and dress shirts, excluding T-shirts increased from 74.0 million units in 1976 to 75.2 million units in 1977 and increased from 54.6 million units in the first three quarters of 1977 to 82.5 million units in the first three quarters of 1978. Imports of men's and boys' woven cotton and man-made jeans and dungarees increased from 14 million units in 1976 to 23 million units in 1977 and increased from 16.7 million units in the first three quarters of 1977 to 24.8 million units in the first three quarters of 1978.

Fleet-Line shirt production and jeans production from other contractors is marketed to retail customers through Levin and Hecht. A Department survey of Levin and Hecht's customers revealed that customers who decreased their purchases of men's and boys' woven shirts, knit shirts and jeans, respectively, from Levin and Hecht in January-September 1978 compared to January-September 1977 increased their purchases of these garments from foreign sources during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's and boys' woven shirts, knit shirts, and jeans marketed by Levin and Hecht, d.b.a. Brunswick Shirt Company, New York, New York and men's and boys' woven shirts and knit shirts produced at the Fleet-Line Industries, Incorporated plants listed in the appendix contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification.

All workers of Levin and Hecht, d.b.a. Brunswick Shirt Company, New York, New York and the Fleet-Line Industries, Incorporated plants listed in the appendix who became totally or partially separated from employment on or after the respective plant impact dates are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that all workers at the Lumberton, North Carolina production facility of Fleet-Line Industries, Incorporated, except for the warehouse, are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 19th day of March 1979.

HARRY J. GILMAN,
Supervisory International Economist, Office of Foreign Economic Research.

APPENDIX

Company/location	Petition No.	Impact date
Levin and Hecht, New York, New York, d.b.a. Brunswick Shirt Company.	TA-W-4395	Nov. 9, 1977.
Garland, North Carolina plant	TA-W-4395-A	Nov. 9, 1977.
Lumberton, North Carolina Warehouse	TA-W-4395-B	Nov. 9, 1977.
Salemburg, North Carolina plant	TA-W-4395-C	July 1, 1978.
Justice, North Carolina	TA-W-4395-D	Feb. 1, 1978.
Stanhope, North Carolina plant	TA-W-4395-E	Nov. 9, 1977.

[FR Doc. 79-9250 Filed 3-26-79; 8:45 am]

[4510-29-M]

[TA-W-4412 and TA-W-4413]

MACON PANT CORP. AND NATIONAL PANTS CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4412, 4413: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 21, 1978 in response to a worker petition received on November 16, 1978, which was filed on behalf of workers and former workers producing men's and boys' pants at the Macon Pant Corporation, Macon, Mississippi. A petition was also filed on behalf of worker and former workers at the National Pants Corporation, New York, New York—the sales office for Macon Pant Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on December 5, 1978 (43 FR 56951). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of National Pants Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of men's and boys' dress and sport trousers and shorts increased absolutely in 1977 compared with 1976 and in the first nine months with 1978 compared to the first nine months of 1977. Imports declined relative to domestic production during 1977 compared to 1976.

The Department conducted a survey of major customers of National Pants. The survey indicated that some customers decreased purchases from Na-

tional Pants and increased purchases of men's slacks.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's slacks produced at Macon Pant Corporation, Macon, Mississippi and sold by the National Pants Corporation, New York, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Macon Pant Corporation, Macon, Mississippi, and the National Pants Corporation, New York, New York who became totally or partially separated from employment on or after November 7, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 20th day of March 1979.

C. MICHAEL AHO,
Director, Office of Foreign Economic Research.

[FR Doc. 79-9257 Filed 3-26-79; 8:45 am]

[4510-28-M]

[TA-W-4738]

MELMAR FASHIONS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4738: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1979, in response to a worker petition received on January 12, 1979, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats, suits, and jackets at Melmar Fashions, Incorporated, Asbury Park, New Jersey. The investigation revealed that the plant primarily produce women's coats. The Department previously issued a denial of eligibility to apply for adjustment assistance on August 15, 1977, for workers of Melmar, Fashions, Incorporated (TA-W-1787).

The Notice of Investigation was published in the FEDERAL REGISTER on January 30, 1979 (44 FR 5952). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Melmar, Fashions, Incorporated, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Production of women's coats at Melmar increased in 1978 compared to 1977. The shutdown which occurred at Melmar Fashions in October 1978 can be attributed to the normal seasonal pattern of the women's coat industry.

CONCLUSION

After careful review, I determine that all workers of Melmar Fashions, Incorporated, Asbury Park, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-9250 Filed 3/26/79; 8:45 am]

[4510-28-M]

[TA-W-4708]

ZION KNITTING MILLS, INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-4708: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 15, 1979, in response to a worker petition received on January 9, 1979, which was filed on behalf of workers formerly producing men's, women's and children's sweaters at Zion Knitting Millis, Incorporated, Brooklyn, New York.

The Notice of Investigation was published in the FEDERAL REGISTER on January 26, 1979 (44 FR 5533-34). No public hearing was requested and none was held.

The determination was based upon information obtained principally from officials of Zion Knitting Mills, Incorporated, its manufacturers and retail customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysis and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of men's and boys' sweaters, knit cardigans and pullovers increased absolutely in each year from 1975 through 1978. The ratio of imports to domestic production of sweaters in 1977 was 52.1 percent. The import to domestic production ratio is not currently available for 1978.

U.S. imports of women's, misses' and children's sweaters increased both absolutely and relative to domestic production from 1975 to 1976. Imports of sweaters in 1977 were greater than the average level of imports for the years 1973 through 1976. Imports declined from 1977 to 1978. The ratio of imports to domestic production was over 100 percent in each year from 1974 to 1977. In 1977 this ratio was 140.8 percent.

A Departmental survey was conducted with retail customers of Zion Knitting Mills and with the manufacturers from whom Zion received contract work. The survey revealed that retailers, which reduced their purchases of ladies' and children's sweaters from Zion, increased their purchases of imported sweaters in each year from 1976 through 1978. Similarly, several manufacturers, for whom Zion performed contract work, decreased their sweater orders to Zion and substantially increased their contracts for ladies' and children's sweaters with foreign contractors during the period of 1976 through 1978.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's and children's sweaters produced at Zion Knitting Mills, Incorporated, Brooklyn, New York contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Zion Knitting Mills, Incorporated, Brooklyn, New York, who became totally or partially separated from employment on or after August 11, 1978 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of March 1979.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc. 79-9253 Filed 3-26-79; 8:45 am]

[4510-28-M]

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 20th day of March 1979.

MARVIN M. FOOKS,
Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner Union/workers or former workers of:—	Location	Date received	Date of petition	Petition No.	Articles produced
Alabama Casuals Co., Inc. (workers)	Uniontown, Ala	Mar. 6, 1979	Feb. 28, 1979	TA-W-4,989	Ladies' sportswear.
Bethlehem Steel Corp., Lebanon Plant (USWA).	Lebanon, Pa	Mar. 15, 1979	Mar. 14, 1979	TA-W-4,990	Industrial fasteners.
Contessa of California (ILGWU)	Los Angeles, Calif	Mar. 15, 1979	Mar. 5, 1979	TA-W-4,991	Ladies' blouses.
Harbison-Walker Refractories, Division of Dresser Industries, Inc. (USWA).	Cape May, N.J	do	Feb. 15, 1979	TA-W-4,992	Dead burned magnisite.
International Knits, Inc. A/N/A Knits International Inc. (ILGWU).	Los Angeles, Calif	do	Mar. 5, 1979	TA-W-4,993	Knit fabrics.
Kaiser Steel Corp., Fabrication Division (USWA).	Fontana, Calif	do	Feb. 15, 1979	TA-W-4,994	Fabricated structural shapes.
Kaiser Steel Corp., Metal Production Plant (USWA).	do	do	do	TA-W-4,995	Light steel products.
Lamson & Sessions Co. (USWA)	Birmingham, Ala	do	do	TA-W-4,996	Industrial fasteners.
Lowell Shoe Co. (workers)	Lowell, Mass	do	Mar. 12, 1979	TA-W-4,997	Women's shoes.
Myra Dress Co., Inc. (company)	New York, N.Y	Mar. 16, 1979	Mar. 13, 1979	TA-W-4,998	Women's dresses, sportswear and coats.
New Balance Athletic Shoes, Inc. (workers).	Allston, Mass	do	Mar. 12, 1979	TA-W-4,999	Athletic shoes for men and women.
Ted Stern Co. (ILGWU)	Los Angeles, Calif	Mar. 15, 1979	Mar. 5, 1979	TA-W-5,000	Women's skirts and pants.
Willett Corp. (ACTWU)	New Brunswick, N.J	do	Mar. 12, 1979	TA-W-5,001	Ceramic fixtures.
Tucker Knits, Inc. (workers)	New York, N.Y	do	Mar. 13, 1979	TA-W-5,002	Women's dresses and sportswear.
Wondermaid Garment Factory (workers).	Washington, Mo	Mar. 14, 1979	Mar. 8, 1979	TA-W-5,003	Women's underwear and slips.

[FR Doc. 79-9218 Filed 3-26-79; 8:45 am]

[4510-27-M]

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Administrative Order No. 1-76 (41 FR 18949), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the princi-

pal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers.

Corbin, Ltd., Huntington, WV; 1-22-79 to 1-21-80. (Men's pants)

Crane Mfg. Company, Marionville, MO; 1-8-79 to 1-7-80. (Ladies' and men's jeans)

Crystal Springs Shirt Corporation, Crystal Springs, MS; 1-1-79 to 12-31-79. (Men's and boys' shirts)

Donlin Sportswear, Inc., New Tazewell, TN; 2-21-79 to 2-20-80. (Men's shirts)

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 1-18-79 to 1-17-80. (Men's shirts)

Each learner certificate has been issued upon the representations of the employer which, among other things were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn as indicated therein, in the manner provided in 29 CFR Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before April 11, 1979.

Signed at Washington, D.C., this 22nd day of March 1979.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc. 79-9230 Filed 3-26-79; 8:45 am]

[6325-20-M]

MERIT SYSTEMS PROTECTION BOARD

OPERATIONS MANUAL

Publication Available for Inspection

AGENCY: Office of the Special Counsel, Merit Systems Protection Board.

ACTION: Availability for Inspection of Operations Manual.

SUMMARY: This notice is to inform the public of the availability of the Operations Manual of the Office of the Special Counsel for public inspection and copying.

ADDRESS: Office of the Special Counsel, 1717 H Street, NW., Washington, D.C. 20419.

FOR FURTHER INFORMATION CONTACT:

Shigeki J. Sugiyama or Lynn R. Collins, Office of the Special Counsel, Phone: 202-653-7107.

NOTICE: Copies of the Operations Manual of the Office of the Special Counsel are available for inspection and copying at the Office of the Special Counsel, Room 210, 1717 H Street, NW., Washington, D.C. 20419. Copies are available pursuant to the schedule of fees set out in Section 1272.103(a) of the Special Counsel Regulations, 44 FR 6060, 6064. The Manual sets forth the procedures to be used by the Office in the initiation, receipt, investigation and prosecution of matters within the jursidiction of the Office.

H. PATRICK SWYGERT,
Special Counsel, Office of the Special Counsel.

[FR Doc. 79-9167 Filed 3-26-79; 8:45 am]

[4510-23-M]

MINIMUM WAGE STUDY COMMISSION

Meeting

MARCH 22, 1979.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following Commission meeting:

NAME: Minimum Wage Study Commission.

DATE: April 10, 1979.

PLACE: U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, D.C., Room 4832.

TIME: 10 a.m.

PROPOSED AGENDA:

1. Pending business.
2. Strategy of planning cost analysis and methodology for overall 3-year period of studies.
3. Update on Noncompliance Survey.

Next meeting of the Commission will be held Tuesday, May, 8, 1979.

All communications regarding this Commission should be addressed to: Mr. Louis E. McConnell, Executive Director, 1430 K St. NW, Suite 500, Washington, D.C. 20005, (202) 376-2450.

LOUIS E. MCCONNELL,
Executive Director.

[FR Doc. 79-9211 Filed 3-26-79; 8:45 am]

[7510-01-M]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (79-33)]

NASA ADVISORY COUNCIL (NAC) SPACE AND TERRESTRIAL APPLICATIONS ADVISORY COMMITTEE (STAAC)

Meeting

The *Ad Hoc* Informal Advisory Subcommittee on Satellite Communications Applications of the NAC-STAAC will meet on April 17 and 18, 1979 at NASA Lewis Research Center (LeRC), Room 215, Administration Building, 21000 Brookpark Road, Cleveland, Ohio 44135. The meeting is open to the public. Members of the public will be admitted at 8:30 am on both days on a first-come, first-served basis and will be required to sign a visitors' register. The seating capacity of the meeting room is for 60 persons.

This Subcommittee, comprised of five members of the NAC-STAAC including the Subcommittee Chairperson, Dr. John V. Harrington, will review the results of studies in the 30/20 GHz band program and discuss issues in this program. Five members of the NAC Space Systems and Technology Advisory Committee have been invited to participate in this meeting.

The approved agenda for the meeting is as follows:

APRIL 17, 1979

Time and Topic

8:30 am, Welcome by Center Director.
8:45 am, Chairperson's Remarks.
9:00 am, Program Overview.
10:00 am, 30/20 GHz Program Status Review.
10:15 am, Report on Study on Forecast of Satellite Communications Service Demand.
10:45 am, Same report as the foregoing, but by another study contractor.
11:15 am, Report on Study of System Concept, 30/20 GHz Satellite System.
11:45 am, Same report as the foregoing, but by another study contractor.
1:30 pm, Tour Lewis Communications Facilities.
4:30 pm, Adjourn.

APRIL 18, 1979

Time and Topic

8:30 am, Working Session.
10:30 am, Conclusions and Recommendations.

11:30 am, Adjourn.

For further information regarding the meeting, please contact Louis B.C. Fong, Executive Secretary of the Subcommittee, Washington, D.C. (202) 755-7450.

ARNOLD W. FRUTKIN,
Associate Administrator for External Relations.

MARCH 20, 1979.

[FR Doc. 79-9149 Filed 3-26-79; 8:45 am]

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-466 CP]

HOUSTON LIGHTING AND POWER CO. (ALLENS CREEK NUCLEAR GENERATING STATION, UNIT 1)

Order

On April 18, 1979,[1] beginning at 9:30 a.m. local time, pursuant to 10 CFR 2.752, a prehearing conference will be held at the following location:

Creditors' Meeting Room, Room 7740, U.S. Federal Building and Courthouse, 515 Rusk Street, Houston, Texas.

If necessary, the prehearing conference will continue on April 19th.

The public is invited to attend the prehearing conference but members of the public may not participate in this conference. However, an opportunity will be provided for any person who wishes to make an oral or written statement in this proceeding but who has not been admitted as a party. Any person may request permission to make a limited appearance pursuant to provisions of 10 C.F.R. § 2.715 of the Commission's "Rules of Practice". Subject to the conditions set forth in subsequent Orders, limited appearances will be permitted at the beginning of the evidentiary hearing which will be held at a later date. Persons desiring to make such a limited appearance are requested to inform the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Bethesda, MD., this 20th day of March, 1979.

It is so ordered.

For the Atomic Safety and Licensing Board.

SHELDON J. WOLFE, ESQ.,
Chairman.

[FR Doc. 79-9179 Filed 3-26-79 8:45 am]

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[1] Our Order of February 16, 1979, stated that the instant prehearing conference would be held on April 17, 1979. However, conference room facilities were unavailable on April 17th.

[7590-01-M]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50-568-A and STN 50-569-A]

NEW ENGLAND POWER CO., ET AL.

Receipt of Additional Antitrust Information: Time for Submission of Views on Antitrust Matters

New England Power Company, Bangor Hydro-Electric Company, Canal Electric Company, Fitchburg Gas & Electric Light Company, Maine Public Service Company, Massachusetts Municipal Wholesale Electric Company, Montaup Electric Company, Narragansett Electric Company, Taunton Municipal Lighting Plant, and Vermont Electric Cooperative, Inc., (applicants) pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, filed on January 15, 1979, information requested by the Attorney General for Antitrust Review as required by 10 CFR Part 50, Appendix L. The information concerns two additional ownership participants, Maine Public Service Company and Massachusetts Municipal Wholesale Electric Company of the New England Power Project, Units 1 and 2 to be located in Washington County in Charlestown, Rhode Island.

The information was filed in connection with the application for construction permits filed by the New England Power Company.

Notice of Receipt of the Antitrust Application was published in the FEDERAL REGISTER under Docket No. P-533-A on July 7, 1975 (40 FR 28510).

A copy of the letter, dated January 15, 1979, filed by the New England Power Company is available for public inspection and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and in the local public document rooms located at the Cross Mill Public Library, Old Post Road, Charlestown, Rhode Island 02813 and the University of Rhode Island, University Library, Government Publications Office, Kingston, Rhode Island 02881.

Any person who wishes to have his views on the antitrust matters with respect to the Massachusetts Municipal Wholesale Electric Company and Maine Public Service Company presented to the Attorney General for consideration should submit such views to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Antitrust and Indemnity Group, Office of Nuclear Reactor Regulation, on or before May 21, 1979.

Dated at Bethesda, Maryland, this 12th day of March, 1979.

OLAN D. PARR,
Chief, Light Water Reactors Branch No. 3, Division of Project Management.

[FR Doc. 79-8175 Filed 3-19-79; 8:45 am]

[7590-01-M]

[Docket No. 40[8698]

PLATEAU RESOURCES, LIMITED

Availability of Draft Environmental Statement for Shootering Canyon Uranium Project; Extension of Comment Period

A notice of availability of the Draft Environmental Statement for Shootering Canyon Uranium Project (idenfified as NUREG-0504) was published in the FEDERAL REGISTER on February 20, 1979 (44 FR 10443), with comments due by April 2, 1979. By this notice the period for receiving comments has been extended to April 6, 1979.

Dated Silver Spring, Maryland, this 19th day of March, 1979.

For the Nuclear Regulatory Commission.

ROSS A. SCARANO,
Section Leader, Uranium Mill Licensing Section, Fuel Processing & Fabrication Branch, Division of Fuel Cycle and Material Safety.

[FR Doc. 79-9194 Filed 3-26-79; 8:45 am]

[7715-01-M]

POSTAL RATE COMMISSION

[Docket No. A79-9]

SUPLEE, PENNSYLVANIA 19371 (MRS. ALLEN BAXTER AND OTHERS, PETITIONERS)

Notice and Order of Filing of Appeal

ISSUED: MARCH 22, 1979.

On March 16, 1979, the Commission received handwritten letters from Mrs. Allen Baxter, Lydia Fisher and Gertrude H. Wagenseller, citizens of Suplee, Pennsylvania, (hereinafter "Petitioners"), concerning the alleged plans of the United States Postal Service to close the Suplee, Pennsylvania post office. Although the letters make no explicit reference to the Postal Reorganization Act, we believe they should be liberally construed as petitions for review pursuant to § 404(b) of the Act [39 U.S.C. § 404(b)]. We do so in order to preserve petitioners' right to appeal which is subject to a 30-day time limit.[1] The petitions apparently

[1] 39 U.S.C. § 404(b)(5). 39 U.S.C. § 404 (b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-1311. Our rules of practice governing these cases appear at 39 C.F.R. § 3001.110 *et seq.*

were written by laymen, rather than by attorneys, and they do not conform exactly to the Commission's rules of practice which also require that a petitioner attach a copy of the Postal Service's final determination to the petition.[2] However, § 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "* * * insure that such persons will have an opportunity to present their views." [4] The petitions request that the decision to close the Suplee post office be reversed. From the faces of the petitions, it is unclear whether the Postal Service provided 60 days' notice, whether any hearings were held, or whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioners failed to supply a copy of the Postal Service's final determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under § 404(b)(2)(A) of the Act. Petitioners variously assert that the Suplee post office is need by them and that its closing would result in personal inconvenience and economic hardship to them. Specifically, it is said that petitioners will not be able to get to their alternative post office before closing, and that the closing of the Suplee office would cause difficulty in receiving mail matter and would engender added patron expenses, because of the necessity of the installation of mailboxes, all resulting in great hardship. The petitions appear to set forth the Postal Service action complained of in sufficient detail to warrant a determination whether the Service complied with its own regulations for the closing of post offices.[7]

The Act does not contemplate appointment of an Officer of the Commission in § 404(b) cases, and none is being appointed.[8]

The Commission Orders:

(A) The letters of March 16, 1979, from Mrs. Allen Baxter, Lydia Fisher and Gertrude H. Wagenseller shall be construed as petitions for review pursuant to section 404(b) of the Act (39 U.S.C. § 404(b)).

(B) The Secretary of the Commission shall publish this Notice and Order in the FEDERAL REGISTER.

(C) The Postal Service shall file the administrative record in this case on or before April 2, 1979, pursuant to the Commission's rules of practice (39 CFR § 3001.113(a)).

By the Commission.

DAVID F. HARRIS,
Secretary.

APPENDIX

March 16, 1979: Filing of Petition.

March 22, 1979: Notice and Order of Filing of Appeal.

April 2, 1979: Filing of record by Postal Service (*see* 39 CFR § 3001.113(a)).

April 5, 1979: Last day for filing of petitions to intervene (*see* 39 CFR § 3001.111(b)).

April 16, 1979: Petitioners' initial brief (*see* 39 CFR § 3001.115(a)).

May 1, 1979: Postal Service answering brief (*see* 39 CFR § 3001.115(b)).

May 16, 1979: (1) Petitioners' reply brief, if petitioners choose to file such brief (*see* 39 CFR § 3001.115(c)). (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

July 14, 1979: Expiration of 120-day decisional schedule (*see* 39 U.S.C. § 404(b)(5)).

[FR Doc. 79-9177 Filed 3-26-79; 8:45 am]

[8010-01-M]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-15661; File No. SR-CBOE-1979-2]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on February 28, 1979 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

With respect to the procedures for implementing the Order Book Official system (SR-CBOE-1978-23, approved by the Securities and Exchange Commission on January 11, 1979) the Exchange's policy will be to replace Board Brokers in the inverse order of the two-year volume of the options classes to which they have been appointed. Consequently, the Exchange intends to determine the volume for the period January 1, 1977, through December 31, 1978, for the options classes at each station across the floor. Once this is accomplished, the Exchange will establish the order in which Board Brokers will be replaced, beginning with the station with the lowest volume and progressing through those with increasingly higher volume. It is anticipated that the Exchange will commence on April 2, 1979 with such a procedure, and replace Board Brokers at 2 stations per month, until the entire process is completed. It is also intended that the order or replacement will be revised in 1980, commencing in April, based on volume for the calendar years 1978 and 1979.

However, there are a number of events which could occur, and which would require the Exchange to depart from its proposed schedule. These are:

(a) Board Broker resignations in advance of their scheduled replacement by Order Book Officials;

(b) Board Broker removal pursuant to Exchange Rules for reasons other than replacement by Order Book Officials;

(c) Conversion to an Order Book Official at a high volume station in advance of the proposed schedule for replacement due to the selection of such a station for further implementation of Order Support System;

(d) The introduction of additional option classes, the deletion of presently traded option classes, or the control of floor congestion and traffic patterns may require the Exchange to modify appointments or to modify the timing for or selection of stations for Board Broker replacement by Order Book Officials.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of this policy will be to introduce the Order Book Official system into the Exchange's trading environment in an orderly and nondiscriminatory fashion.

The foregoing policy is consistent with Sections 6(b)(1), (6)(b)(5), 11A(a)(1)(c) (i) and (ii) in that it (1) enhances the ability of the Exchange to carry out the purposes of the Act and to enforce compliance by its members with the applicable sections of the Act, the rules and regulations thereunder and Exchange rules, (2) promotes just and equitable principles of trade, facilities transactions in securities, protects investors and the public

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[2] 39 C.F.R. § 3001.111(a).

[3] 39 C.F.R. § 3001.1.

[4] 39 U.S.C. § 404(b)(1).

[5] 39 C.F.R. § 3001.113(a). The Postal Rate Commission informs the Postal Service of its receipt of such an appeal by issuing PRC Form No. 56 to the Postal Service upon receipt of each appeal.

[6] 39 U.S.C. § 101(b).

[7] 42 Fed. Reg. 59079-59085 (11/17/77); the Commission's standard of review is set forth at 39 U.S.C. § 404(b)(5).

[8] In the Matter of Gresham, S.C., Route No. 1, Docket No. A78-1 (May 11, 1978).

interest and is designed to prevent unfair discrimination between members, and (3) furthers the Congressional desire to assure the efficient execution of securities transactions and the fair competition among brokers and dealers and among and between exchange markets, respectively.

No comments were solicited or received from members on this policy.

The Exchange does not believe that this policy will impose any burden on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 26, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 19, 1979.

[FR Doc. 79-9146 Filed 3-26-79; 8:45 am]

[8010-01-M]

[Rel. No. 6037; 18-39]

LORD, BISSELL & BROOK RETIREMENT PLAN

Filing of Application for an Order Pursuant to Section 3(a)(2) of the Securities Act of 1933 Exempting From the Provisions of Section 5 of the Act Interests or Participations in the Lord, Bissell & Brook Retirement Plan,

MARCH 19, 1979.

NOTICE IS HEREBY GIVEN that Lord, Bissell & Brook (hereinafter referred to as "Applicant" or the "Firm") 115 South LaSalle Street, Chicago, IL 60603, a law firm organized as a partnership under the laws of the State of Illinois, has, by letter dated February 23, 1979, applied for an exemption from the registration requirements of the Securities Act of 1933 (the "Act") for participations or interests issued in connection with the Lord, Bissell & Brook Retirement Plan (the "Plan"). All interested persons are referred to that document, which is on file with the Commission, for the facts and representations contained therein, which are summarized below.

Applicant's Plan provides that all employees paid on a salaried basis and partners of Applicant are eligible for participation in the Plan as of the first day of the month following or coincident with becoming an employee, provided employment is commenced with Applicant prior to attaining age sixty (60). The Plan is of the type commonly referred to as a "Keogh" plan, which covers persons (in this case, certain of Applicant's partners and employees), some of whom are are "employees" within the meaning of Section 401(c)(1) of the Internal Revenue Code of 1954 (the "Code"). It therefore is excepted from the exemption provided by Section 3(a)(2) of the Act for interests or participation in certain employee benefit plans of certain employers. Section 3(a)(2) of the Act provides, however, that the Commission may exempt from the provisions of Section 5 of the Act any interest or participation issued in connection with a pension or profit-sharing plan which covers employees, some or all of whom are employees within the meaning of Section 401(c)(1) of the Code, if and to the extent that the Commission determines this to be necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant represents that the Plan was originally established effective January 1, 1968, as a defined benefit plan for all full-time employees and partners of Applicant. The Plan and related trust were restated effective January 1, 1976, to conform with the requirements of the Employee Retirement Income Security Act of 1974 ("ERISA") to which the Plan is subject. The Internal Revenue Service has issued a determination letter to the effect that the Plan and trust agreement, as amended to date, continue to meet the requirement of Section 401(a) of the Code.

Applicant states that, under the Plan, Applicant contributes to the Trustee amounts which are sufficient to fund the Plan on an actuarially sound basis and meet the minimum funding requirements for defined benefit plans under ERISA. In addition, each participant under the Plan is permitted to make voluntary contributions in an amount not less than one per cent (1%) nor more than ten per cent (10%) of earnings (not in excess of $100,000) from Applicant for each calendar year. The amount of voluntary contributions by participants during each fiscal year of Applicant is also limited as required by Section 415 of the Code.

Applicant states that the assets of the Plan are to be held by the Trustee pursuant to a trust agreement between the Trustee and Applicant. Presently, three partners of Applicant are acting as Trustees. The trust agreement contemplates that there will be one fund which may be segregated into one or more accounts for investment purposes. The Trustee may direct the investment of the fund itself or appoint an investment manager to manage all or a portion of the trust fund. The trust agreement also provides that all or part of the trust fund may be segregated into custodial accounts at a bank. Presently, The Northern Trust Company of Chicago, Illinois has been designated as investment advisor and custodian to hold and maintain substantially all of the Plan's assets in a single segregated fund, except assets invested on a short-term basis by the Trustee for the purposes of paying current benefits. The Trustee is responsible for establishing a funding policy which will encompass the trust fund's short-term and long-term goals for income and appreciation.

Applicant states that it maintains substantial administrative control over the Plan. The Plan is administered by Applicant's Pension Committee (the "Committee"), appointed by the partners of Applicant and consisting, as presently constituted, of three partners of Applicant. The Committee is responsible for the day-to-day administration of the Plan, including the making and enforcement of rules interpreting and construing the Plan in regard to all questions of eligibility, the status and rights of participants, beneficiaries and other persons affected thereunder, and the disbursement of benefits.

The Plan authorizes the Trustee to invest in collective or commingled funds containing assets, other than assets of the Plan, which are from plans described in Section 401(a) and exempt from tax under Section 501(a) of the Code. Since the inception of the Plan, the assets of the trust fund have not been commingled in a collective investment medium with the assets of other employers, the Trustee has expressed that it has no intention of commingling trust assets, and the Applicant has no intention of requesting the Trustee to do so.

Applicant states that it has employed independent experts to provide investment advisory and other. con-

sulting services with respect to the Plan. The Committee has authority to employ actuaries, accountants and other experts to assist in the administration of the Plan. The Firm has for many years engaged the services of Compensation & Capital, Inc. to furnish actuarial consulting services and Alexander Grant & Co. to provide accounting service for employee benefit plan matters. Also, The Northern Trust Company has been appointed investment advisor and custodian to provide investment advisory services and to maintain the assets of the Plan.

Applicant further submits that as an "employee pension benefit plan" within the meaning of ERISA, the Plan is subject to certain reporting and disclosure requirements. Furthermore, Applicant is engaged in furnishing legal services of a type which necessarily involve financially sophisticated and complex matters and, for that reason as well as the extensive administrative control over the Plan maintained by Applicant, is able to represent adequately its interests and those of its employees.

Finally, Applicant states that the Plan is not a uniform prototype or master plan designed to be marketed by a sponsoring financial institution or promoter to numerous unrelated self-employed persons. The Plan was prepared by attorneys of Applicant and covers only employees and partners of Applicant.

Applicant contends that the exemption from registration under Section 3(a)(2) of the Act would clearly be available if Applicant were incorporated, for there would be no Section 401(c)(1) employees. Applicant argues that merely because Applicant is unincorporated is no reason for subjecting such interests or participations to the registration requirements of the Act. Similarly, if partners of Applicant were excluded from participation, the exemption would again be clearly available. There would seem to be no policy basis for requiring registration simply because the principals responsible for establishing and administering the Plan, that is, the partners, are included as participants.

Applicant concludes that under the circumstances, granting the requested exemptive order would be appropriate in the public interest, consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

NOTICE IS FURTHER GIVEN that any interested person may, not later than April 11, 1979, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. An order disposing of the application will be issued as of course following April 11, 1979, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-9143 Filed 3-26-79; 8:45 am]

[8010-01-M]

[Rel. No. 6031A; 18-13]

McDERMOTT, WILL & EMERY PROFIT-SHARING PLAN AND TRUST

Filing of Application Pursuant to Section 3(a)(2) of the Act for an Order Exempting From the Provisions of Section 5 of the Act Interests or Participations Issued in Connection With the McDermott, Will & Emery Profit-Sharing Plan and Trust

ERRATA

The above-captioned Notice (44 FR 13612; March 12, 1979) erroneously described the McDermott, Will & Emery retirement plan, 111 West Monroe Street, Chicago, IL 60603, as a pension benefit plan instead of a profit-sharing plan.

The Notice stated that an order disposing of the matter would be issued following March 27, 1978; the date should have been stated as March 27, 1979.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-9144 Filed 3-26-79; 8:45 am]

[8010-01-M]

[Rel. No. 15659; SR-MSRB-1]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Approving Proposed Rule Changes

On January 31, 1979, the Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue NW., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of proposed rule changes. The proposed rule changes would modify MSRB rules G-12 and G-15 to require that the confirmations of a municipal securities transaction effected on a yield basis show the yield at which the transaction was effected rather than the yield to maturity.

Notice of the proposed rule changes together with the terms of substance of the proposed rule changes was given by publication of a Commission Release (Securities Exchange Act Release No. 15554, (February 8, 1979)) and by publication in the FEDERAL REGISTER (44 FR 10158 (February 16, 1979)). No comments were received by the Commission with respect to the proposed rule changes.

The Commission finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

IT IS THEREFORE ORDERED, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule changes be, and they hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 79-9145 Filed 3-26-79; 8:45 am]

[8010-01-M]

[Release No. 34-15660; File No. SR-NYSE-79-10]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 12, 1979, the above mentioned self-regulatory organization filed with the Securites and Exchange Commission a proposed rule change as follows:

TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

Exchange Rule 345.16 is essentially a verbatim reproduction of the contents of the agreement signed by each registered representative, branch office

manager and officer as a prerequisite for registration with the Exchange. Amended Rule 345.16 would no longer restate the agreement and only require that an agreement be signed which includes a pledge to abide by the Constitution and Rules of the Exchange. This would obviate the need to amend the rule if the agreement is changed to achieve greater industry uniformity.

Most of the standards of behavior presently contained in the agreement and restated in Rule 345.16 have been moved into new or existing rules. Other provisions in the agreement have been deleted because they are redundant with paragraphs contained in the Uniform Application For Securities and Commodites Industry Representative and/or Agent (Form U-4) which must be completed by all registered employees.

Additionally, the proposed amendments eliminate the Exchange's requirements regarding the information members and member organizations must obtain on their personnel and replace it with a reference to the similar requirements of the SEC. The requirement that an employee who is a member of the Exchange is not required to qualify as a registered representative is proposed for deletion in deference to another Exchange rule which requires the member to demonstrate competence to be a registered representative if he proposes to service customer accounts.

Purpose of Proposed Rule Changes

Registered representative agreement

Exchange Rule 345.16 is essentially a verbatim reproduction of the contents of the agreement signed by each registered representative, branch office manager and officer as a prerequisite for registration with the Exchange. Amended Rule 345.16 would no longer restate the agreement and only require that an agreement be signed which includes a pledge to abide by the Constitution and Rules of the Exchange. This would obviate the need to amend the rule if the agreement is changed to achieve greater industry uniformity.

The proposed rule changes would also move standards of behavior presently contained in the agreement and restated in Rule 345.16 into other specific rules. The Exchange wants to eliminate any possible impression that some rules may be of lesser importance than the provisions in the agreement.

Repositioned standards

The standards of behavior described below have been repositioned from the agreement and Rule 345.16 into new or existing rules:

● *Personal transactions.* The proposed amendments to Rule 407(b) retain the requirement that a registered representative's employer approve the securities or commodities accounts and any transactions therein in which he has an interest. The restriction which prohibits a registered representative from having an account with a non-member (except banks), is deleted, thereby, according him the same rights as members, allied members and officers, all of whom may have an account at other than a member organization. The proposed amendments eliminate the requirement that only a general partner or principal executive officer may be designated by a member organization to give prior written consent for such employee accounts. Instead, any qualified person could be designated such responsibility by a member or member organization in accordance with Exchange Rule 342(b)(1) which allows qualified principals or employees to be delegated responsibility and authority for supervising compliance with securities laws and regulations.

The proposed amendments also rescind the Exchange's authority to grant exceptions to Rule 407. This will insure that members and member organizations will obtain the duplicate reports required by the rule to adequately monitor the investment activity of all personnel covered by the rule.

● *Guarantees and sharing in accounts.* The prohibition against guaranteeing the payment of a customer's debit balance to an employer or any creditor carrying a customer's account is retained in Rule 352(a). However, the Exchange would no longer have the authority to approve such a guarantee, thereby, insuring that no arrangements of credit are made on terms which may ordinarily be prohibited by the regulations of the Federal Reserve Board. The proposed rule excludes individual members to insure that there are no restrictions on their ability to clear transactions.

Proposed Rule 352(b) and (c) retains the prohibitions against guaranteeing or promising to guarantee a customer against loss and sharing in the profits or losses in a customer's account, by a registered representative or officer. It incorporates the same provisions in Rule 369 as it applies to members and member organizations and includes the exception for joint, group, or syndicate accounts presently in Rule 369. A provision has been added to clarify that any person may assume any losses in a customer's account if the loss was caused in whole or in part by the action or inaction of a member, member organization, allied member, registered representative or officer.

● *Rebates and compensation.* The provision authorizing the Exchange to disapprove of changes in the form or amount of compensation is proposed for rescission as this provision is obsolete in the environment of competitive commissions. However, proposed Rule 353(a) retains the prohibition against rebating any part of the compensation received by the personnel of a member organization for the solicitation of orders. Proposed Rule 353(b) prohibits the receipt of any compensation for business done by or through the employer after the termination of employment except with Exchange approval.

These prohibitions are essential to the enforcement of the Exchange's requirement that no person may regularly perform the duties customarily performed by a registered representative without being registered with the Exchange. The receipt of compensation on other than an isolated basis is an Exchange criterion for determining whether a person is functioning as a registered representative and, therefore, these rules serve to reduce the potential for nonregistered persons to engage in activities which may result in the procurement of customer business.

Deleted Provisions

Other provisions in the agreement have been deleted because they are either redundant with other existing Exchange rules or paragraphs contained in the Uniform Application For Securities and Commodities Industry Representative and/or Agent (Form U-4) which must be completed by all registered employees. A comparison of the existing and proposed agreements which details all provisions being removed from the agreement is attached as Exhibit I-B.

Personnel Registration, Investigations and Records

The proposed amendments to Rule 345.18 eliminate the Exchange's requirements regarding the information members and member organizations must obtain on their personnel and replace it with a reference to the similar requirements found in SEC Rule 17a-3(a)(12). In addition, the Exchange requires a signature and recent photograph from all personnel which it believes provides important means to substantiate identification. The Exchange also requires information as to whether a surety bond has ever been revoked or denied or a surety paid which it believes helps to determine an individual's ability to function in a fiduciary role.

Rule 345.12 which states that an employee who is also a member of the Exchange is not required to qualify as a registered representative is proposed for rescission. Exchange Rule 304.70 states that a member who proposes to

service customer accounts in the office of a member organization may be required to undergo a period of training and pass a qualifying exam in order to demonstrate competence to be a registered representative.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGES

The proposed rule changes are consistent with Sections 6(b)(2), (5), (7) and (8), 6(c), 17(a) and 19(g)(1)(a) as follows:

(i) The proposed amendments would clarify the equal importance of all Exchange rules, thereby, facilitating the Exchange's capacity to enforce compliance with the Act, the rules thereunder and its own rules by moving from the registered representative's agreement to specific rules those standards of behavior which govern the following: personal securities and commodities accounts and transactions; prohibitions against guaranteeing the payment of a customer's debit balance; guaranteeing a customer against loss; sharing in the profits or losses in a customer's account; rebating compensation received for the solicitation of orders; and receiving compensation following the termination of employment. The requirement which will allow any qualified person to approve the personal accounts of members, allied members, registered representatives and officers enables the Exchange to enforce compliance with the standards of supervision set forth in Rule 342. The amendment which rescinds the Exchange's authority to grant exceptions to Rule 407 will enhance compliance with the requirement that persons covered by the rule arrange to furnish duplicate reports of their personal account activity.

(ii) Requiring that an agreement be signed and that information on surety bonds be furnished helps the Exchange to assess whether an individual meets the standards in Section 6(c) of the Act. As stated in Section 6(c), the Exchange may "examine and verify the qualifications of an applicant" in order to determine if such applicant "has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable prinicples of trade." Requiring a member who services customer accounts to demonstrate competence to be a registered representative is consistent with Section 6(c) by assuring that the member meets "such standards of training, experience, and competence as are prescribed by the rules of the Exchange."

(iii) Inapplicable.

(iv) Inapplicable.

(v) The Exchange would enhance its ability to deter fraudulent and manipulative acts and practices by members and registered employees, promote just and equitable principles of trade and contribute to the protection of investors and the public interest in that the standards of behavior moved from the registerd representative's agreement to specific rules would prohibit guaranteeing the payment of a customer's debit balance; guaranteeing a customer against loss; sharing in the profits or losses in s customer's account; rebating compensation received for the solicitation of orders; receiving compensation following the termination of employment; and would require the approval by the employer member organization of personal securities and commodities accounts and any transactions therein. Deleting the provision requiring Exchange approval for changes in the form or amount of compensation to registered representatives is consistent with Section 6(b)(5) of the Act in that is eliminates Exchange regulation of matters not related to the purposes of the Act. Eliminating restrictions against registered representatives maintaining accounts at a non-member is also consistent with Section 6(b)(5) which requires that no rule of the Exchange is designed to permit unfair discrimination between brokers and dealers.

(vi) By retaining a rule which requires that an agreement be signed, the Exchange is insuring that it can appropriately discipline registered associated persons for violations of the Act, the rules thereunder and the rules of the Exchange.

(vii) Inapplicable.

(viii) Inapplicable.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments were solicited and received from the Compliance Division of the Securities Industry Association and incorporated into the proposed rule changes. Their suggestions were to retain the prohibition against the payment of rebates and of compensation following the termination of employment and, also, language clarifying the circumstances under which all or part of a loss may be assumed in a customer's account.

BURDEN ON COMPETITION

This proposal will not impose any burden on competition.

On or before May 1, 1979, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before April 26, 1979.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 19, 1979.

EXHIBIT 1

New language italicized.
Deleted language in [Brackets].

PROPOSED AMENDMENTS TO RULE 345

. . . Supplementary Material:

Registration of Employees

.10 Employees required to be registered or approved.—See Rule 345 and definitions of *"branch office manager" and* "registered representative" contained in Rules 9 (¶2009) and 10 (¶2010). Any person who [prior to March 26, 1970] was an allied member of the Exchange, in good standing, and who [as of March 26, 1970] ceases to meet the definition of an allied member *as such term is defined* (Articles I, Sec. 3(d)[(ii)]) shall automatically cease his status as an allied member and may upon execution of such agreements as may be required by the Exchange, qualify as a registered representative, supervisory person or officer. Any person who was an allied member in good standing [prior to March 26, 1970] but [does not meet the definition of] *who ceases to qualify as an* allied member [as of March 26, 1970] may continue to perform those functions for his member corporation as he was performing [on March 26, 1970.] *while an allied member.* If any change in the duties of such person is contemplated, the Exchange should be consulted regarding any further requirements of training and examination.

.11 [(1)] Applications: Applications for the [employment] *registration* of a "registered representative" or the ap-

proval of an "officer" should be submitted to the Exchange on Form U-4, copies of which will be supplied on request. The application for the approval of a registered representative should be completed and filed upon the candidate's employment in order that *any processing done by the* Exchange [investigation] may be completed by the time the training period is finished.

[.12 Members of the Exchange.—An employee who also is a member of the Exchange is not required to qualify as a registered representative. However, every such employment arrangement must be reported to the Exchange for its information, and may be disaproved by the Exchange.][1]

.16 Agreements.—Each prospective registered representative or officer, *in consideration of the Exchange's consideration of the applicant's application,* shall sign *an agreement, on a form prescribed by the Exchange, which includes a pledge that the registered representative or officer will abide by the Constitution and Rules adopted pursuant thereto as these now exist and as from time to time amended.* [the following statements:]

[(a) "I authorize and request any and all of my former employers and any other person to furnish to the Exchange, or any agent acting on its behalf, any information they may have concerning my credit worthiness, character, ability, business activities, general reputation, mode of living and personal characteristics, together with, in the case of former employers, a history of my employment by them and the reasons for the termination thereof. Moreover, I hereby release each such employer and each such other person from any and all liability of whatsoever nature by reason of furnishing such information to the Exchange or any agent acting on its behalf.]

["Further, I recognize that I will be the subject of an investigative consumer report ordered by the Exchange and that I have the right to request complete and accurate disclosure by the Exchange of the nature and scope of the investigation requested.]

[(b) I authorize the New York Stock Exchange to make available to any prospective employer, or to any Federal, State or Municipal agency, any information it may have concerning me, and I hereby release the New York Stock Exchange from any and all liability of whatsoever nature by reason of furnishing such information.]

[(c) I agree that the decision of the New York Stock Exchange as to the results of any examinations it may require me to take will be accepted by me as final, and that I shall be subject to the penalties provided for under Rule 345(d) of the Board of Directors, as from time to time amended, if, in the opinion of the Exchange, I have

(1) violated any provision of the Constitution or of any rule adopted by the Board of Directors;

(2) violated any of my agreements with the Exchange;

(3) made any misstatements to the Exchange; or

(4) been guilty of (i) conduct inconsistent with just and equitable principles of trade, (ii) acts detrimental to the interest or welfare of the Exchange, or (iii) conduct contrary to an established practice of the Exchange.]

[(d) I have read the Constitution and Rules of the Board of Directors of the New York Stock Exchange and, if approved, I hereby pledge myself to abide by the Constitution and Rules of the Board of Directors of the New York Stock Exchange as the same have been or shall be from time to time amended, and by all rules and regulations adopted pursuant to the Constitution, and by all practices of the Exchange."]

[Further, each registered representative, in consideration of the Exchange's approving his application, shall sign the following statements:]

[(A) "That I will not guarantee to my employer or to any other creditor carrying a customer's account, the payment of the debit balance in such account, without the prior written consent of the Exchange.]

[(B) That I will not guarantee any customer against loss in his account or in any way represent to any customer that I or may employer will guarantee the customer against such losses.]

[(C) That I will not take or receive, directly or indirectly, a share in the profits of any customer's account, or share in any losses sustained in any such account.]

[(D) That I will not make a cash or margin transaction or maintain a cash or margin account in securities or commodities, or have any direct or indirect financial interest in such a transaction or account, except with a member organization or with a bank. I understand and agree that no such transaction may be effected and no such account may be maintained without the prior consent of my employer, and that except for Monthly Investment Plan transactions such employer must receive promptly, directly from the carrying member organization or bank, duplicate copies of all confirmations and statements relating to such transaction or account. I further understand and agree that I shall receive no compensation for commissions or profits earned on any transaction or account in which I have a direct or indirect financial interest, exept with the approval of my employer.]

[(E) That I will not rebate, directly or indirectly, to any person, firm or corporation any part of the compensation I receive as a registered employee, and I will not pay such compensation, or any part thereof, directly or indirectly, to any person, firm or corporation, as a bonus, commission, fee or other consideration for business sought or procured for me or for any member or member organization of the Exchange.]

[(F) That at any time, upon the request of Regulation & Surveillance, or of any Committee or other Department of the New York Stock Exchange, I will appear before such Committee or Department and give evidence upon any subject under investigation by any such Committee or Department, and that I will produce, upon request of the Exchange, all of my records or documents relative to any inquiry being made by the Exchange.]

[(G) I understand that any changes in compensation in any form, or additional compensation in any form, may be subject to disapproval by the New York Stock Exchange, and that I may not be compensated for business done by or through my employer after the termination of my employment except as may be permitted by the Exchange.]

[(H) I agree that I will not take, accept, or receive, directly or indirectly, from any person, firm, corporation or association, other than my employer, compensation of any nature, as a bonus, commission, fee, gratuity or other consideration, in connection with any securities, commodities or insurance transaction or transactions, except with the prior written consent of my employer.]

[(I) I will notify my member organization and Regulation & Surveillance promptly if, during the tenure of my employment I become the subject of: any investigation or proceeding by any governmental or securities or insurance industry self-regulatory body; a refusal of registration, injunction, censure, suspension., expulsion or other disciplinary action by any governmental or securities or insurance industry self-regulatory body; a major complaint by a customer of a member organization or by broker-dealer in securities; a disciplinary action by a member organization; any litigation or arbitration alleging my violation of any agreement with or provision of any securities industry self-regulatory body's constitution, by-laws, or rules or any securities or insurance law or regulation; or any bankruptcy or contempt proceeding, cease and desist order, injunction or civil judgment as party defendant; or any arrest, sum-

[1] Examination requirement which may affect a member who desires to service customer accounts is found in Rule 304.70.

mons, arraignment, indictment, or conviction for a criminal offense (other than minor traffic violations); or any material allegation that I have conducted myself in a way which may be inconsistent with just and equitable principles of trade, or detrimental to the interest and welfare of the Exchange, or contrary to an established practice of the Exchange; or if I violate any provision of the Exchange Constiution or of any rule adopted by the Board of Directors or of any securities or insurance law or regulation or of any agreement with the Exchange.]

[(J) I agree that any controversy between me and any member or member organization or affiliate or subsidiary thereof arising out of my employment or the termination of my employment shall be settled by arbitration at the instance of any such party in accordance with the arbitration procedure presecribed in the Constitution and rules then obtaining of the New York Stock Exchange."]

[(K) If the Exchange, during the period of 90 days immediatley following receipt by the Exchange of written notice of the termination of my employment gives me written notice that the Exchange is making inquiry into any specified matter or matters occurring prior to termination of such employment, I agree that I will thereafter, comply with any request of the Exchange for me to appear and testify, submit records, respond to written requests, attend hearings, and accept disciplinary charges or penalties with respect to the matter or matters specified in such notice in every respect in conformance with the Constitution, Rules and practices of the Exchange in the same manner and to the same extent as required to do if I had remained an employee. If I refuse to accept such written notice or, having been given such notice, refuse or fail to comply with any such request of the Exchange, I agree that such refusal or failure may, in the discretion of the Exchange, act as a bar to future Exchange approval of my employment until such time as the Exchange has completed investigation into the matter or matters specified in such notice; has determined a penalty, if any, to be imposed against me; and until the penalty, if any, has been carried out.]

GENERAL INFORMATION REGARDING EMPLOYEES

.17 Power of Exchange over all employees.—The Exchange may require at any time that the name, terms of employment, and actual duties of any person employed by a member or member organization shall be stated to the Exchange, together with such other information with respect to such employee as it may deem [requisite.] *appropriate to permit it to enforce compliance with the Rules.*

.18 Investigations and Records.—Members and member organizations should make a thorough inquiry into the previous record and reputation of persons whom they contemplate employing. The background and reputation check should, whenever possible, include at least personal conversations with all employers during the previous 3 years. Further inquiry should be made where appropriate in the light of background information developed, the position for which the person is being considered, or other circumstances. Verification and investigation should be done by a [partner or voting stockholder] *member or allied member,* or by an authorized person under [their] the supervision of *such member or allied member.*

Members and member organizations should obtain at the time of employment *of any person, whether registered with the Exchange or not,* and keep on file during employment and for a minimum of three years after termination of employment[,] *and any other connection with the member or member organization, all information required under Rule 17a-3(a)(12) of the Securities Exchange Act of 1934. In addition, the Exchange requires the signature and a recent photograph of such personnel and a record of whether a surety bond has ever been denied or revoked, or a surety paid because of such person.* [, at least the following information concerning all personnel whether registered with the Exchange or not: (1) Name; (2) home address; (3) social security number; (4) starting date of employment or other association with member organization; (5) date of birth; (6) title or position; (7) recent photograph; (8) signature; (9) the educational institutions attended and whether or not graduated therefrom; (10) a complete consecutive statement of all business connections for at least the preceding ten years, including reason for leaving each prior employment, and whether employment was part-time or full-time, with all time accounted for including periods of unemployment and residence while unemployed; (11) a record of any arrests, indictments or convictions for any felony or any misdemeanor except minor traffic offenses; (12) a record of any other name or names by which he has been known or which he has used; (13) a record of any previous or current surety bonds under which applicant may have been covered. Also whether such a bond has ever been denied, revoked, or surety paid because of applicant; (14) a record of any denial of membership or registration, and of any disciplinary action taken, or sanction imposed, upon him by any federal or state agency, or by any national securities exchange or national securities association, including any finding that he was a cause of any disciplinary action or had violated any law; (15) a record of any denial suspension, expulsion or revocation of membership or registration of any member, broker or dealer with which he was associated in any capacity when such action was taken; (16) a record of any permanent or temporary injunction entered against him or any member, broker or dealer with which he was associated in any capacity at the time such injunction was entered.

[The above record-keeping requirements, when signed by an authorized person, include compliance with Rule 17a-3 and 17a-4 under the Securities Exchange Act of 1934 as far as employee records are concerned.]

If any employee is registered with the Exchange, a duplicate copy of the registration application form signed by an authorized person shall satisfy all the record-keeping requirements of this paragraph except the recent photograph.

PROPOSED AMENDMENTS TO RULE 407

Transactions-Employees of Exchange, Member Organizations, or Certain Non-Member Organizations
Rule 407.(a)xxxxxx.

(b)(1) No member, allied member, *registered representative* or officer of a member organization shall have a securities or commodities account with respect to which he has the power, directly or indirectly, to make investment decisions, at another member organization or a non-member organization or a bank without the prior written consent of another [general partner or principal executive officer of the member organization] *person* designated *by the member or member organization under Rule 342(b)(1)* to sign such consents and review such accounts.

(2) Persons having accounts referred to in (1) above shall arrange for duplicate reports and monthly statements of said accounts to be sent to another [general partner or principal executive officer of the member organization] *person* designated *by the member or member organization under Rule 342(b)(1)* to review such accounts.

(3) For the purpose of this rule accounts referred to in (1) above shall [, unless excepted upon written Exchange approval,] include, but are not limited to, the following: (A) securities and commodities accounts carried at member or non-member organizations or at banks; (B) limited and general partnership interests in investment partnerhips: (C) direct and indirect participations in joint accounts; and (D) legal interests in trust accounts, provided that with respect to trust accounts the *member or* member organi-

zation *required to approve the account* may waive the requirement to send duplicate reports and monthly statements for such accounts. [to the designated general partner or principal executive officer.]

PROPOSED RULE 352

Guarantees and Sharing in Accounts

Rule 352. (a) No member associated with a member organization as a member, allied member, registered representative or officer shall guarantee to his employer or to any other creditor carrying a customer's account, the payment of the debit balance in such account.

(b) No member organization shall guarantee or in any way represent that it will guarantee any customer against loss in any account or on any transaction; and no member, allied member, registered representative or officer shall guarantee or in any way represent that either he or his employer will guarantee any customer against loss in any account or on any transaction.

(c) No member, member organization, allied member, registered representative or officer shall, directly or indirectly, (i) take or receive or agree to take or receive a share in the profits, or (ii) share or agree to share in any losses, in any customer's account or of any transaction effected therein. The foregoing will not prohibit the participation of an allied member, a registered representative or an officer in a joint account on investment partnership provided he obtains the prior written consent of his employer.

(See Rule 423 of for reporting requirements concerning participation in joint accounts by members, member organizations and allied members.)

. . . Supplementary Material:

.10 Interest in customer accounts.—For the purposes of paragraphs (b) and (c) above, the term customer shall not be deemed to include the member or member organization or any joint, group, or syndicate account with such member or member organization.

.20 Paragraphs (a) and (c) shall not preclude a member, member organization, allied member, registered representative or officer from sharing or agreeing to share in any losses in any customer's account after the member organization has established that the loss was caused in whole or in part by the action or inaction of such member, member organization, allied member, registered representative or officer.

PROPOSED RULE 353

Rebates and Compensation

Rule 353. (a) No member, allied member, registered representative or officer shall, directly or indirectly, rebate to any person, firm or corporation any part of the compensation he receives for the solicitation of orders for the purchase or sale of securities or other similar instruments for the accounts of customers of his member organization employer, or pay such compensation, or any part thereof, as a bonus, commission, fee or other consideration for business sought or procured for him or for any member or member organization of the Exchange.

(b) No member, allied member, registered representative or officer shall be compensated for business done by or through his employer after the termination of his employment except as may be permitted by the Exchange.

PROPOSED RESCISSION OF RULE 369 [1]

Interest in Customer Accounts

[Rule 369. No member or member organization shall guarantee any customer against loss in his account or take or receive directly or indirectly a share in the profits of any customer's account or share in any losses sustained in any such account. For the purposes of this Rule the term customer shall not be deemed to include the member or member organization or any joint, group, or syndicate account with such member or member organization.]

[FR Doc. 79-9147 Filed 3-26-79; 8:45 am]

[8025-01-M]

SMALL BUSINESS ADMINISTRATION

[License No. 06/06-5207]

CAPITAL MANAGEMENT SERVICES, INC.

Issuance of a License to Operate as a Small Business Investment Company

On December 1, 1978, a notice was published in the FEDERAL REGISTER (43 FR 56301), stating that Capital Management Services, Inc., located at 4801 North Hills Boulevard, North Little Rock, Arkansas 72116, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1978) for a license to operate as a small business investment com>pany under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

The period for comment expired on December 18, 1978, and no comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 06/06-5207 to Capital Management Services, Inc.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 20, 1979.

PETER F. MCNEISH,
Deputy Associate Administrator for Investment.

[FR Doc. 79-9255 Filed 3-26-79; 8:45 am]

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[1] Transposed in substance to proposed Rule 352.

[4710-02-M]

DEPARTMENT OF STATE

Agency for International Development

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twenty-second meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on April 10 and 11, 1979.

The purpose of the meeting is to discuss progress in planning and implementation of authorized Collaborative Research Support Programs (CRSPs), to consider priorities and criteria for food and nutrition research, and to review five-year budget projections and priorities proposed by the Agency for International Agricultural Development in food, agricultural development and nutrition.

The meeting will convene at 9:00 a.m. and adjourn at 5:00 p.m. on April 10 and 11, 1979. The meeting will be held in the Dynasty Room of the Holiday Inn, 1850 N. Ft. Myer Drive, Arlington, Virginia 22209. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Office of Title XII Coordination and University Relations, Development Support Bureau, is designated A.I.D. Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at (703) 235-8929.

Dated: March 16, 1979.

ERVEN J. LONG,
A.I.D. Advisory Committee Representative, Joint Research Committee, Board for International Food and Agricultural Development.

[FR Doc. 79-9150 Filed 3-26-79; 8:45 am]

[4830-01-M]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 51 (Rev. 4)]

CHIEFS, TECHNICAL AND OFFICE COMPLIANCE BRANCH

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of Authority.

SUMMARY: Chiefs, Technical and Office Compliance Branch are added to the Delegation Order. Technical and Office Compliance Branch represents a consolidation of the Special Procedures and Collection Office function in some districts. The text of the delegation order appears below.

EFFECTIVE DATE: March 21, 1979.

FOR FURTHER INFORMATION CONTACT:

Stephen M. Roche, CP:C:M, 1111 Constitution Avenue, NW., Room 7231, Washington, D.C. 20224, Telephone No. 202-566-6568, (Not a toll free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, November 8, 1978.

STEPHEN M. ROCHE,
Program Analyst, National Office Collection Division.

DELEGATION ORDER

Subject: Authority to Sign Proofs of Claim and Other Documents.

Date of issue: March 21, 1979.

Pursuant to the authority vested in the Commissioner of Internal Revenue by 26 CFR 301.7701-9 and 26 CFR 301.6871 the authority to sign proofs of claim and other documents asserting obligations incurred under the Internal Revenue laws (including taxes, penalties and interest), in order to claim and collect such obligations in any proceeding under the Bankruptcy Act and any receivership, decedent's estate, corporate dissolution, or other insolvency proceeding is hereby redelegated to the following officers:

Chief, Special Procedures Staff
Chief, Technical and Office Compliance Branch
Chief, Technical and Office Compliance Group in streamlined districts

The authority herein delegated may not be redelegated.

This Order supersedes Delegation Order No. 51 (Rev. 3), issued January 29, 1979.

Effective: March 21, 1979.

JEROME KURTZ,
Commissioner.

[FR Doc. 79-9188 Filed 3-26-79; 8:45 am]

[8240-01-M]

UNITED STATES RAILWAY ASSOCIATION

[Docket 211-19]

CONSOLIDATED RAIL CORP.

Application for a Loan

Subsection (h) of Section 211 of the Regional Rail Reorganization Act of 1973, as amended (45 U.S.C. § 721) (the Act), authorizes the United States Railway Association (Association) to enter into loan agreements with the Consolidated Rail Corporation (Conrail), the National Railroad Passenger Corporation, and any profitable railroad to which rail properties are transferred or conveyed pursuant to Section 303(b)(1) of the Act under conditions and for purposes set forth in this Subsection. Subsection (b) of Section 211 requires that the Association publish notice of the receipt of any application thereunder in the FEDERAL REGISTER and afford interested parties an opportunity to comment thereon.

On March 21, 1979, Conrail submitted two new Borrowing Applications and a supplement to its Borrowing Application of November 18, 1976 pursuant to section 211(h) of the Act. Under the first Borrowing Application, Conrail requests that the following previously approved borrowing applications be amended to decrease the funds previously committed in the categories shown:

APPLICATION DATED APRIL 25, 1977—ERIE LACKAWANNA CATEGORY

Suppliers	$40,093.24
Non-Employee Injuries	79,000.00
	$119,093.24

APPLICATION DATED JULY 20, 1977—LEHIGH VALLEY CATEGORY

Suppliers	$96,994.07
Shippers	123,977.26
Railroads	154,635.23
Non-Employee Injuries	36,750.00
	$412,356.56

APPLICATION DATED JUNE 22, 1977—READING CATEGORY

Suppliers	$212,600.62
Shippers	53,092.49
Railroads	1,982,551.33
Non-Employee Injuries	10,631.85
	$2,258,876.29

APPLICATION DATED SEPTEMBER 19, 1977—CENTRAL OF NEW JERSEY CATEGORY

Railroads	$133,516.44

APPLICATION DATED SEPTEMBER 22, 1977—PENN CENTRAL TRANSPORTATION COMPANY CATEGORY

Railroads	$311,270.72
	$3,235,113.25

Conrail states that it will reallocate the $3,235,113.25 as follows:

1. $2,935,113.25 to the payment of certain Federal Employer's Liability Act Claims of the Penn Central Transportation Company.

2. $300,000.00 to the payment of certain Federal Employer's Liability Act Claims of the Central Railroad of New Jersey.

Under the second Borrowing Application, Conrail requests that the following previously approved Borrowing Applications be amended to decrease the funds previously committed in the categories as shown:

APPLICATION DATED JUNE 6, 1977—CENTRAL OF NEW JERSEY CATEGORY

Suppliers	$482,444.01
Shippers	626,714.29
Non-Employee Injuries	691,904.00
	$1,801,062.30

APPLICATION DATED JUNE 22, 1977—READING CATEGORY

FELA	$50,000.00

APPLICATION DATED SEPTEMBER 22, 1977—PENN CENTRAL TRANSPORTATION COMPANY CATEGORY

Railroads	$6,143,403.00

APPLICATION DATED MARCH 16, 1977—PENN CENTRAL TRANSPORTATION COMPANY, ERIE LACKAWANNA AND LEHIGH VALLEY CATEGORY

Pensions, PCTC	$3,169,574.02
Pensions, EL	867,000.00
Pensions, LV	317,000.00
	$4,353,574.02

APPLICATION DATED JANUARY 13, 1978—PENN CENTRAL TRANSPORTATION COMPANY AND ERIE LACKAWANNA CATEGORY

FELA, EL	$2,500,000.00
Employee Wage Claims, PCTC	193,000.00
Employee Wage Claims, EL	42,000.00
Suppliers, EL	4,200,000.00
Railroads, EL	3,300,000.00
Non-Employee Injuries, EL	1,700,000.00
	$11,935,000.00

APPLICATION DATED NOVEMBER 18, 1976—ERIE LACKAWANNA, LEHIGH AND HUDSON RIVER, ANN ARBOR, CENTRAL OF NEW JERSEY, READING, PENN CENTRAL TRANSPORTATION COMPANY AND LEHIGH VALLEY CATEGORY

Vacations	$406,890.68

APPLICATION DATED SEPTEMBER 19, 1977—CENTRAL OF NEW JERSEY CATEGORY

Railroads	$2,630,000.00
	$27,319,930.00

Conrail states that of the $27,319,930 it will reallocate $24,689,930 to pay insurance premiums under a Premium Deposit Fund Insurance Program and up to $2,630,000 to fund the payment of additional premiums which would be required in the event Conrail elects to implement an alternative insurance program.

Under the supplement to its borrowing application of November 18, 1976, Conrail requests that a loan of $1,361,667.32 be approved for payment of vacation pay obligations of the estate of the Central Railroad Company of New Jersey.

Each Borrowing Application and the supplement to the borrowing application of November 18, 1976 include the certification and exhibits required by the Loan Procedures.

Interested parties are invited to submit written comments relevant to this application. Any such submissions must identify, by its Docket No., the application to which it relates, and must be filed with the Office of General Counsel, United States Railway Association, 955 L'Enfant Plaza North NW., Washington, D.C. 20595, on or before April 6, 1979, to enable timely consideration by USRA. The docket containing the original application shall be available for public inspection at that address Monday through Friday (holidays excepted) between 8:30 a.m. and 5:00 p.m.

Dated at Washington, D.C., this 22nd of March, 1979.

PETER J. GALLAGHER,
Assistant Secretary,
United States Railway Association.

[FR Doc. 79-9228 Filed 3-26-79; 8:45 am]

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[Notice No. 53]

ASSIGNMENT OF HEARINGS

MARCH 22, 1979.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 113678 (Sub-750F), Curtis, Inc., now assigned March 26, 1979, at Chicago, Illinois is canceled transfered to Modified Procedure.

MC 116077 (Sub-396F), DSI Transports, Inc., now assigned for prehearing conference on April 26, 1979, at the Office of the Interstate Commerce Commission, Washington, D.C.

I&S M 30011, Increased Rates, Transcontinental Traffic, RMMTB, February 1979, now assigned for hearing on April 23, 1979, at Denver, Colorado and will be held in Division 1, U.S. Court of Appeals, 1929 Stout Street.

MC 98291 (Sub-3F), Kunkle Transfer & Storage Co., now assigned for hearing on April 17, 1979, at Phoenix, Arizona and will be held in Maricopa County Superior Court Building, 201 West Jefferson.

MC 143059 (Sub-24F), Mercer Transportation Co., MC-119988 (Sub-159F), Trucking Co., Inc., now assigned for hearing on May 14, 1979 (5 days), at Portland, Oregon in a hearing room to be later designated.

MC 140511 (Sub-7F), Autolog Corporation, a Delaware corporation, now assigned April 23, 1979 at New York, New York is postponed to a date to be hereafter fixed.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-9238 Filed 3-26-79; 8:45 am]

[7035-01-M]

[Docket No. AB-12 (Sub-No. 58F)]

SOUTHERN PACIFIC TRANSPORTATION CO. ABANDONMENT AT SEASIDE AND LAKE MAJELLA IN MONTEREY COUNTY, CA

Findings

Notice is hereby given pursuant to Section 10903 of the Interstate Commerce Act (49 U.S.C. 10903) that by a Certificate and Decision decided February 26, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen*, 354 ICC 584 (1978), and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of a line of railroad known as the Monterey Branch extending from railroad milepost 123.30 at Seaside to the end of the branch line at railroad milepost 130.02 at Lake Majella, for a distance of 6.72 miles, in Monterey County, CA. The line consists of two sections, Seaside-Monterey (milepost 123.30 to 125.81) and Monterey-Asilomar (milepost 125.81 to 130.01). A certificate of public convenience and necessity permitting abandonment was issued to the Southern Pacific Transportation Company. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than April 11, 1979. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective May 11, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-9239 Filed 3-26-79; 8:45 am]

[7035-01-M]

[Notice No. 41]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 22, 1979.

Important notice: The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make

available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

NOTE: All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

MOTOR CARRIERS OF PROPERTY

MC 7840 (Sub-10TA), filed February 8, 1979. Applicant: ST. LAWRENCE FREIGHTWAYS, INCORPORATED, 650 Cooper Street, Watertown, NY 13601. Representative: Werner Steinaker, 650 Cooper St., Watertown, NY 13601. *Sanitary Paper Products*, from Plattsburgh, NY to points in OH and MI, for 180 days. An ETA for 90 days under R-11 was granted January 18, 1979. Supporting Shipper(s): Georgia-Pacific Corporation, Mr. Robert Ricker, Mgr. of Transportation, 800 Summer St., Stamford, CT 06901. Send protests to: Interstate Commerce Commission, U.S. Courthouse & Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 18037 (Sub-10TA), filed February 7, 1979. Applicant: CHAS. LEVY CIRCULATING CO., 1200 N. Branch St., Chicago, IL 60622. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *Contract carrier:* irregular routes: *Magazines*, from Detroit, MI to pts in IL, IN, IA, KY, OH and WI for 180 days. An underlying ETA has been granted. Supporting Shipper(s): Look Magazine, Inc., 150 E. 58th St., New York, NY 10022. Send protests to: TA Annie Booker, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 28060 (Sub-49TA), filed January 16, 1979. Applicant: WILLERS, INC., d/b/a WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers South, 3390 Peachtree Road, N.E., Atlanta, GA 30326. *Meats, meat products, meat byproducts and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the Report in Description, in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk), from Winner, SD to points in CO, IA, MN, MO, NE and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Shannon Dakota Foods, 136 W. Tripp Avenue, Winner, SD 57580. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 28060 (Sub-50TA), filed January 18, 1979. Applicant: WILLERS, INC., d/b/a WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Representative: Bruce E. Mitchell, Serby & Mitchell, P.C., Fifth Floor, Lenox Towers South, 3390 Peachtree Road, Atlanta, GA 30326. *Frozen foods and canned goods*, from Kansas City, MO to the facilities of Hogg Restaurant Service at or near Aberdeen, SD. Supporting Shipper(s): Hogg Restaurant Service, 810 Third Avenue, SE, Aberdeen, SD 57401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 61825 (Sub-91TA), filed January 4, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Drive, Post Office Box 385, Collinsville, VA 24078. Representative: John D. Stone, Roy Stone Transfer Corporation, Post Office Box 385, Collinsville, VA 24078. *Temporary Authority* sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds*, (except in bulk, in tank vehicles), and filters from points in Warren County, MS to points in AL, CT, DE, FL, GA, IL, IN, KY, MD, MA, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, WV and DC; and (2) *Petroleum, petroleum products, vehicle body sealer and/or sound deadener compounds, filters, materials, supplies, and equipment* as are used in the manufacture, sale, and distribution of the commodities named in Part (1) above, (except in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, RI, SC, TN, VA and WV to points in Warren County, MS. Restricted in Parts (1) and (2) above to shipments originating at or destined to the facilities of Quaker State Oil Refining Corporation located in Warren County, MS, for 180 days. Supporting shipper(s): Quaker State Oil Refining Corp., P.O. Box 989, Oil City, PA 16301. Send protests to: Paul D. Collins DS, ICC, Room 10-502 Fed., Bldg., 400 N. 8th St., Richmond, VA 23240.

MC 69833 (Sub-140TA), filed January 31, 1979. Applicant: ASSOCIATED TRUCK LINES, INC., 200 Monroe Ave., N.W., Grand Rapids, MI 49503. Representative: Harry Pohlad (same address as applicant). *Common carrier:* regular route: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment). Serving Reed City, MI as an intermediate point on applicant's presently authorized Route over U.S. Hwy 131 and U.S. Hwy 10, between Grand Rapids, MI and Ludington, MI for 180 days. An underlying ETA has been granted. Supporting shipper(s): Kraftube Fabricators Corp., 1215 E. Maple St., Reed City, MI 49677. Consolidated Aluminum Corp., Old 131 Hwy North, Reed City, MI 49677. Send protests to: TA Annie Booker, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 100449 (Sub-106TA), filed February 7, 1979. Applicant: MALLINGER TRUCK LINE, INC., R.R. No. 4, Fort Dodge, IA 50501. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309. *Meat, meat products, meat byproducts and articles distributed by meat packinghouses, except hides and commodities in bulk*, from the facilities of Armland Foods, Inc. at Denison, Carroll, Iowa Falls, Des Moines, Fort Dodge, Cherokee, and Sioux City, Iowa, and Crete and Lincoln, NE to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Farmland Foods, P.O. Box 403, Denison, IA 51442. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 100666 (Sub-433TA), filed February 15, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Mr. Paul L. Caplinger, P.O. Box 7666, Shreveport, LA 71107. *Composition board and building materials* from the facilities of National Gypsum Co., at Newark, OH to points in and west of AR, LA, MS, OK, KS, CO, WY, and MT, for 180 days. Applicant has filed an underlying ETA seeking 90 days operating authority. Supporting shipper(s): National Gypsum Co., Gold Bond building Products Div., 2001 Rexford Road, Charlotte, NC 28211. Send protests to: Connie A. Guillory, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 100666 (Sub-434TA), filed February 15, 1979. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Mr. Paul L. Caplinger, (same address as applicant). Iron and steel articles from the facilities of Armco, Inc., at or near Kansas City, MO to points in AR, CO, LA, MS, NM, TX, and Shelby County, TN, for 180 days. Applicant has filed an underlying ETA seeking 90 days operating authority. Supporting shipper(s): ARMCO, Inc., 703 Curtis Street, Middletown, OH 45043. Send protests to: Connie A. Guillory, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 107162 (Sub-50TA), filed February 14, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., Rural Route 1, Brimley, MI 49715. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. *Lumber and lumber products,* from Bangor, WI to Nassau County, Long Island, NY; For 180 days. An underlying ETA for 90 days has been granted. Supporting shipper(s): North Shore Wood Products, Inc., P.O. Box 231, Glen Head, NY 11545 Send protests to: C. R. Flemming, ICC, 225 Federal Building, Lansing, MI 48933.

MC 107496 (Sub-1190TA), filed February 7, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as applicant). *Citric acid, in bulk, in tank vehicles,* from Elkhart, IN to Joliet, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Economic Labs, 370 Wabasha Avenue, St. Paul, MN 51102. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 107496 (Sub-1191TA), filed February 6, 1979. Applicant: RUAN TRANSPORT CORPORATION, 666 Grand Avenue, Des Moines, IA 50309. Representative: E. Check (same as applicant). *Sweeteners, in bulk,* from the facilities of Industrial Sugars, Inc., subsidiary Borden Inc., at or near St. Louis, MO to all points in the states of KY, TN, AR, IA, OH, IN, KS, IL, and MO for 180 days. Supporting shipper(s): Industrial Sugars, Inc., subsidiary Borden, Inc., 180 E. Broad Street, Columbus, OH 43215. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 108119 (Sub-122TA), filed February 14, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Fencing, fencing materials, wire and wire products* from the facilities of Bekaert Steel Wire Corporation at or near Van Buren, AR to all points in the United States except AR, OK, LA, TX, NM, AK, and HI, for 180 days. Supporting shipper(s): Bekaert Steel Wire Corporation, 1-40 & Lee Creek Road, Van Buren, AR 72956. Send protests to: Delorea A. Poe, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Steet, Minneapolis, MN 55401.

MC 108247 (Sub-4TA), filed February 16, 1979. Applicant: WESTCHESTER MOTOR LINES, INC., 35 Edgemere Road, New Haven, CT 06512. Representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street, NW., Washington, DC 20005. *Furniture parts and materials and supplies* used in the manufacture or assembly of furniture from Newark, OH to Milford, CT restricted to traffic which originates at and is destined to the facility of Chatham County Furniture, Division of U.S. Furniture Industries, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chatham County Furniture, Division of U.S. Furniture Industries, P.O. Box 2127, High Point, NC 27261. Send protests to: J. D. Perry, Jr., DS, ICC, 135 High Street, Hartford, CT 06103.

MC 110012 (Sub-51TA), filed February 14, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Road, Morristown, TN 37814. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. *Empty plastic bottles* from Port Clinton, OH to Franklin, KY and Elizabethton, TN, for 180 days. Supporting Shipper(s): Aim Packaging, Inc., P.O. Box 278, Port Clinton, OH 43452. Send protests to: Glenda Kuss, TA, ICC, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111401 (Sub-544TA), filed February 8, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R, Comstock (same address as applicant). *Petroleum and petroleum products,* in bulk, in tank vehicles, from Oklahoma City, OK to points in NC and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crowley Chemical Company, 261 Madison Avenue, New York, NY 10016. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office & Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 112627 (Sub-32TA), filed February 9, 1979. Applicant: OWENS BROS., INC., P.O. Box 247, Dansville, NY 14437. Representative: S. Michael Richards/Raymond A. Richards, P.O. Box 225, Webster, NY 14580. *Malt beverages,* from Newark and Secaucus, NJ and New York, NY, to all points in IL, IN, OH, MI and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Van Munching & Co., Inc., Mr. Matthew Nestor, Asst. Traffic Mgr., 51 West 51st St., New York, NY 10019. Send protest to: Interstate Commerce Commission, U.S. Courhouse & Federal Bldg., 100 S. Clinton St., Rm. 1259, Syracuse, NY 13260.

MC 113531 (Sub-3TA), filed February 12, 1979. Applicant: B & M SERVICE, INC., Box 888, Rangely, CO 81648. Representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, CO 80203. (1) Machinery, equipment, materials and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, (2) machinery, materials equipment and supplies used in, or in connection with the dismantling of pipelines, including the stringing and picking up thereof, and (3) machinery, equipment, materials and supplies used in or in connection with the discovery, development, construction, operation, repair, servicing, maintenance and dismantling of mines, between points in ND, DS, NE, KS, OK, TX, MT, WY, CO, NM, ID, UT, AZ, NV, WA, OR and CA, for 180 days. Supporting shipper(s): There are 5 supporting shippers. Send protests to: District Supervisor Roger L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, Colorado.

MC 113678 (Sub-780TA), Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (same address as above). *Floor coverings,* from Whitehall, PA to Denver, CO and an area within 75 miles radius thereto, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mountain States Distributing, 3900 E 39, Denver, CO 80216. Send protests to: District Supervisor, Herbert C. Ruoff, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

MC 113828 (Sub-265TA), Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Mono propylene glycol, amines, water treatment compounds, defoamers, flame retardants, sodium hydrosulphite solution,* in bulk, in tank vehicles, from Norfolk, VA to points in MN, IA, MO, AR, LA, WI, IL, IN, OH, MI, MS, AL, FL, CT, VT, NH, RI, ME, MA, TX, for 180 days. Supporting shipper(s): Virginia Chemicals Inc., 3340 W. Norfolk Rd., Portsmouth, VA 23703. Prochimie International Inc., 488 Madison Ave., New York, NY 10022. Send protests to: T. M. Esposito, Transportation Asst., 600 Arch St., Room 3238, Philadelphia, PA 19106.

MC 113908 (Sub-465TA), filed February 13, 1979. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 0068, G.S., Springfield, MO 65804. Representative: Jim G. Erickson, Asst. Traffic Mgr. (same as applicant). *Soybean oil, in bulk,* from Fredonia, KS, and the commercial zone thereof, to Memphis, TN; Catoosa, OK; and Tulsa, OK; and their respective commercial

zones for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Archer Daniels Midland Co., 4666 Faries Pkwy., P.O. Box 1470, Decatur, IL 62525. Send protests to: DS John V. Barry, ICC, 600 Federal Building, 911 Walnut, Kansas City, MO 64106.

MC 114045 (Sub-530TA), filed February 15, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (address same as applicant). *(1) rubber and plastic articles (except commodities in bulk in tank vehicles) and (2) materials and supplies used in the* manufacture of the above named articles, (1) from the facilities of ENTEK Corp. of America at or near Irving, TX to points in the U.S. (except AK and HI) and (2) from the destinations shown in (1) to the facilities of ENTEK Corp. of America, at or near Irving, TX for 180 days. Supporting shipper(s): ENTEK Corp. of America, P.O. Box 61048, Dallas, TX 75261. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 114273 (Sub-547TA), filed February 6, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney, P.O. Box 68, Cedar Rapids, IA 52406. *Resins, glass parts, N.O.I., brass fittings, foaming agents and water conditioners (corrosives) and commodities used in the manufacture of foam insulation,* from Florence, KY to St. Paul, MN, for 180 days. Supporting shipper(s): Academy of Insulation Products, Inc., 1925 Oak Crest Ave., St. Paul, MN 55113. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-548TA), filed February 6, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, Commerce Attorney, (same as applicant). *Iron, steel, zinc, lead and articles or products thereof, construction materials, and materials, equipment and supplies used in the manufacture and distribution of same,* from the facilities of Penn-Dixie Steel Corporation at or near Kokomo, IN to points in IA, CO, NE, KS, MN, MO AND WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Penn Dixie Steel Corporation, 1111 and Main St., P.O. Box 5049, Kokomo, IN 46979. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114632 (Sub-199TA), filed February 7, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Meats, meat products, meat by-products and materials dealt in by meat packing houses* from the facilities of Huron Dressed Beef, Inc. at Huron, SD to points in KY for 180 days. RESTRICTION: Restricted to shipments originating at named origin and destined to named destination state. Supporting shipper(s): Huron Dressed Beef, P.O. Box 924, Huron, SD 57350. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114632 (Sub-200TA), filed February 8, 1979. Applicant: APPLE LINES, INC., 212 S.W. Second Street, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). *Foodstuffs (except commodities in bulk)* from the facilities of Green Giant Co. at Glencoe, MN to points in IA, KS, MO, ND, NE and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Green Giant Co., Le Sueur, MN 56058. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 114725 (Sub-96TA), filed February 13, 1979. Applicant: WYNNE TRANSPORT SERVICE, INC., 2222 No. 11th St., Omaha, NE 68110. Representative: Donald F. Swerczek (same address as applicant). *Tallow, in bulk, in tank vehicles,* from the facilities of Iowa Beef Processors, Inc., at Emporia, KS, to points in AR, IL, IA, MO, OK, TN, and TX, and from the facilities of Iowa Beef Processors, Inc., at Ft. Dodge and Denison, IA; West Point and Dakota City, NE; and Luverne, MN to points in IL, IN, OK, TN, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Glen C. Echelbarger, Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 115554 (Sub-18TA), filed February 5, 1979. Applicant: SCOTT'S TRANSPORTATION SERVICE, INC., P.O. Box 89B, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *gas and electrical applicances and parts, materials, supplies, and equipment used in the manufacture, distribution or repair of appliances,* from the facilities of Whirlpool Corporation at Evansville, IN to points in the states of AR, IL, IA, MI, MN, MO, NE, OH, and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Whirlpool Corporation, Administrative Center, U.S. 33, North, Benton Harbor, MI 49022. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115730 (Sub-65TA), filed February 2, 1979. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, IA 50309. *Iron and steel articles* from points in the St. Louis, MO commercial zone to Shenandoah, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): farmaster Division of Wickes Corporation, P.O. Box 220, Shenandoah, IA 51601. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115826 (Sub-400TA), filed February 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Frozen meat* from Los Angeles, CA and its commercial zone to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Seaport Shipping Co., 1101 Pine Avenue, Long Beach, CA 90802. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-401TA), filed February 12, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Jack B. Wolfe, Kimball, Williams and Wolfe, P.C., 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. *Beads and Pulverized glass,* from the facilities of Potters Industries, Inc., at or near Cleveland, OH; Brownwood, TX; Anaheim, CA; Pottsdam, NY, Carlstadt and West Caldwell, NJ and Apex, NC, to all points in the United States (except AK and HI), for 180 days. Supporting shipper(s): Potters Industries, Inc., 377 Route 17, P.O. Box 86, Hasbrouck Height, NJ 07604. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-402TA), filed February 14, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above). *Meats and packinghouse products,* from facilities of Wilson Foods Corp. at Des Moines and Cherokee, IA to points in CT, DE, DC, ME, MD, MA, NH, NJ, NY, PA, RI, VT and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporaton, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115826 (Sub-403TA), filed February 14, 1979. Applicant: W. J. DIGBY, INC., 6015 East 58th Avenue, Commerce City, CO 80022. Representative: Howard Gore (same address as above).

Meats and meat products, from Fort Morgan, CO to Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Packing Co.—AZ, 2401 So. 19th Avenue, Phoenix, AZ 85009. Send protests to: District Supervisor Herbert C. Ruoff, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 115841 (Sub-680TA), filed February 14, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Foodstuffs (except in bulk)* from the facilities utilized by Beatrice Foods, located at or near Archbold, OH to points in TX, OK, AR, LA, MS, AL, TN, NC, SC, GA, and FL, for 180 days. Supporting shipper(s): Beatrice Foods Company, 401 MacArthur, Archbold, OH 43502. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, Nashville, TN 37203.

MC 115841 (Sub-681TA), filed February 15, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Foodstuffs (except in bulk)* from Chicago, IL and its commercial zone, to points in NC, SC, TN, AL, FL, LA, MS, GA, TX, and CA, for 180 days. Supporting shipper(s): (1) Republic Food Prod Co., Emmart Food Prod., 3327 W. 47th St., Chicago, IL 60632; (2) Cherry Brand Meat Prod, Inc., 4750 S. California, Chicago, IL 60632; (3) Nationwide Beef Inc., 219 N. Green St., Chicago, IL 60607; (4) Campbell Soup Co., 2550 W. 35th St., Chicago, IL 60632. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 116273 (Sub-221TA), filed January 31, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery (same address as applicant). *Liquid Petrochemicals in bulk, in tank vehicles,* from Cyril, OK to Chicago, IL for 180 days. An underlying ETA has been granted. Supporting shipper(s): Thompson-Hayward Chemical Co., 2501 S. Damen Ave., Chicago, IL 60606. Send protests to: TA Annie Booker, 219 S. Dearborn St., Rm. 1386, Chicago, IL 60604.

MC 116544 (Sub-169TA), filed February 9, 1979. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., P.O. Box 10061, Palo Alto, CA 94303. Representative: Kirk W. Horton (same as applicant). *Canned and preserved foodstuffs,* from facilities of Heinz U.S.A., Division of H. H. Heinz Co., at or near Iowa City, IA, to all points to MO, and to points in IL on and south of Interstate Hwy 70, RESTRICTED to traffic originating at, and destined to the named points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Heinz U.S.A., Division of H. J. Heinz Company, P.O. Box 57, Pittsburg, PA 15230. Send protests to: District Supervisor M. M. Butler, 211 Main, Suite 500, San Francisco, CA 94105.

MC 116763 (Sub-476TA), filed February 14, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Foodstuffs (except frozen and commodities in bulk, in tank vehicles),* for the facilities of B. F. Trappey's Sons, Inc. at or near Lafayette and New Iberia, LA, to points in MD, VA, and DC. RESTRICTED to traffic originating at the above named origins and destined to points in the named destination states. An underlying ETA seeks 90 days authority. Supporting shipper(s): B. F. Trappey's Sons, Inc., Charles W. Rice, Transportation Manager, P.O. Drawer 400, New Iberia, LA 70560. Send protests to: Paul J. Lowry, DS, ICC, 5514-B, Federal Bldg., 550 Main St., Cincinnati, OH 45202.

MC 116859 (Sub-18TA), filed February 12, 1979. Applicant: CLARK TRANSFER, INC., P.O. Box 190, Dulty Lane and Route 130, Burlington, NJ 08016. Representative: David A. Sutherlund, Suite 400, 1150 Connecticut Ave. NW., Washington, DC 20036. *Paperback books,* between Philadelphia, PA and Washington, DC, on the one hand, and on the other, points in DE, MD, PA, VA and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Hearst Magazine Division, Hearst Corporation, 224 West 57th Street, New York, NY 10019; (2) Jove Publications, Inc., 757 Third Avenue, New York, NY 10017. Send protests to: District Supervisor, ICC, 428 East State Street, Room 204, Tenton, N.J. 08608.

MC 117068 (Sub-108TA), filed February 16, 1979. Applicant: MIDWEST SPECIALIZED TRANSPORTATION, INC., North Highway 63, P.O. Box 6418, Rochester, MN 55901. Representative: Allen I. Koenig (same address as applicant). (1) *Malt beverages and related advertising materials* from Jefferson County, CO to points in IA, MO and WA; and (2) *Empty used beverage containers for recycling and materials and supplies used in and dealt with by breweries* from points in IA, MO and WA to Jefferson County, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401. Supporting shipper(s): Adolph Coors Company, Golden, CO 80401. Send protests to: Delores A. Poe, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 117686 (Sub-235TA), filed December 22, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Representative: George L. Hirschbach (same as above). *Toothpaste,* from Elizabeth, TN, to the facilities of LaMaur, Inc., at or near Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): LaMaur, Inc., 5601 East River Road, Minneapolis, MN 55432. Send protests to: Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 117765 (Sub-252TA), filed February 7, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). *Malt beverages,* in containers, from Peoria, IL and St. Louis, MO to Dodge City, KS, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the named origins and destined to the named destinations. Supporting shipper(s): Western Beverage, Inc., P.O. Box 124, 811 E. Wyatt Earp, Dodge City, KS 67801. Send protests to: Connie Stanley, Transportation Assistant, Room 240, Old Post Office and Court House Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 117786 (Sub-51TA), filed February 9, 1979. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85005. Representative: A. Michael Bernstein, 1441 E. Thomas Road, Phoenix, AZ 85014. *Paper and paper products, pulpboard paper boxes and pulpboard and fibreboard, NOI,* from Miamisburg, OH and Middletown, OH to points in WA, OR, CA, AZ, NV, ID, MT, WY, UT, CO, NM, OK, TX, MO, IA, and MN, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): Interstate Folding Box Company, So. Verity Parkway, Middletown, OH 45042. Send protests to: Thomas E. Klobas, Acting District Supervisor, Interstate Commerce Commission, 2020 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

MC 117940 (Sub-311TA), filed February 13, 1979. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359. Representative: Allan L. Timmerman, 5300 Highway 12, Maple Plain, MN 55359. *Foodstuffs (except commodities in bulk)* from the facilities of Kraft, Inc. at New Ulm, MN to points in IL, IN,

IA, KY, MI, MO NE, ND, OH, SD, WV, and WI, restricted to traffic originating at named facilities and destined to named destinations, for 180 days. An underlying ETA seeks up to 90 days authority. Supporting Shipper(s): Kraft, Inc., Transportation Analyst, 500 Peshtigo Court, Chicago, IL 60690. Send protests to: Delores A. Poe, ICC, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 119789 (Sub-552TA), filed February 8, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., address same as above. *Inedible meats, meat products, and meat by-products,* from the facilities of Consolidated Pet Foods, Inc., at or near Amarillo, TX to the facilities of Kal Kan Foods, Inc., at or near Vernon, CA for 180 days. Underlying ETA filed. Supporting Shipper(s) Kal Kan Foods, Inc., 3386 E. 44th Street, Vernon, CA 90058. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 119789 (Sub-553TA), filed February 15, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr., address same as applicant. *Meat,* From the facilities of Iowa Beef Processers, Wichita, KS to points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, MD, VA, WV, and DC for 180 days. Underlying ETA filed. Supporting Shipper(s) Iowa Beef Processors, Inc., Dakota City, NE 68731. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 121517 (Sub-3TA), filed February 8, 1979. Applicant: ELLSWORTH MOTOR FREIGHT LINES, INC., P.O. Box 15627, Tulsa, OK 74112. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Fuel oil,* in bulk, in tank vehicles, from Fort Worth, TX to Muskogee, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Apex Oil Company, 11 South Meramec, St. Louis, MO 63105. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office and Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 125882 (Sub-3TA), filed February 12, 1979. Applicant: WESTERN HAULERS, INC., 1457 W. Maple St., Denver, CO 80223. Representative: Charles J. Kimball, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. *Rock and ore samples and commodities* used by or dealt in by mining companies between Denver, CO and its commercial zone, on the one hand, and on the other, points in WY for 180 days. Restricted to traffic either originating at or destined to the facilities of Rocky Mountain Energy Company, its divisions and corporate affiliates. Underlying ETA seeks 90 days authority. Supporting shipper(s): Rocky Mountain Energy Company, 4704 Harlan, Denver, CO 80212. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 128917 (Sub-3TA), filed February 8, 1979. Applicant: HANDY TRUCK LINE, INC., P.O. Box 148, Heyburn, ID 83336. Representative: Kenneth G. Bergquist, P.O. Box 1775, Boise, ID 83701. *Boxes and sheets, corrugated and not corrugated, K.D.F.,* from the plantsite of Boise Cascade Corporation at or near Burley, ID to points in UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Boise Cascade Corporation, P.O. Box 7747, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83706.

MC 129032 (Sub-71TA), filed February 8, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). *Meat, meat by-products, and articles distributed by meat packinghouses* as described in sections A & C of appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 MCC 209 & 766, (except hides and commodities in bulk), from the facilities of George A. Hormel & Co. at or near Austin, MN to the states of AR, OK & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): George A. Hormel & Company, P.O. Box 800, Austin, MN 55912. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240 Old Post Office and Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129032 (Sub-72TA), filed February 8, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: Jerry Garland (same address as applicant). *Auto parts & materials & supplies used in the manufacturing of automotive parts* (except commodities in bulk), from the facilities of Goodyear Tire & Rubber Co., at or near St. Marys, OH, to the facilities of Ford Motor Co., at or near St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Company, One Parkland Blvd., Parklane Towers-East, Suite 200, Dearborn, MI 48126. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office and Courthouse Bldg., 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129484 (Sub-5TA), filed November 30, 1978. Applicant: MELVIN WANG, d.b.a. MELVIN WANG TRUCKING, Fertile, MN 56540. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and liquid fertilizer ingredients,* (in bulk, in tank vehicles), from Port Neal Industrial Complex near Sioux City, IA, to points in ND and those in MN on and west of U.S. Hwy 59 and north of MN Hwy 55, under a continuing contrat or contracts, with Fert-L-Flow, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fert-L-Flow, Inc., 1226 South Main, Crookston, MN 56716. Send protests to: Ronald R. Mau, DS, ICC, Room 268 Fed., Bldg., and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 134405 (Sub-60TA), filed February 8, 1979. Applicant: BACON TRANSPORT CO., P.O. Box 1134, Ardmore, OK 73401. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Liquified petroleum gas,* in bulk, in tank vehicles, from Tulsa, OK to Bentonville, Cotter, and Huntsville, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sun Gas Liquid, Inc., P.O. Box 169, Springdale, AR 72764. Send protests to: Connie Stanley, Transportation Assistant, Interstate Commerce Commission, Room 240, Old Post Office and Courthouse Bldg., 215 N.W. 3rd Oklahoma City, OK 73102.

MC 135170 (Sub-30TA), filed January 3, 1979. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, MD 21632. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (a) *Metal containers,* from Wayne, NJ and Baltimore, MD, and its commercial zone to Holland, St. Joseph, Benton Harbor, Shoreham and Detroit, MI; Columbus and Worthington, OH; and Indianapolis, IN; and (b) *Pallets, packing materials, and dunnage,* from Holland, St. Joseph, Benton Harbor, Shoreham, and Detroit, MI; Columbus and Worthington, OH; Indianapolis, IN to Wayne, NJ, Baltimore, MD, and its

commercial zone, and points in IL, IN, WI, MI, and OH, restricted to traffic destined to the facilities of the continental Group, Inc., at the named points, under a continuing contract or contracts, with the Continental Group, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Algirdas Birutis, Area Manager-Traffic, the Continental Group, Inc., 5401 W. 65th Street, Chicago, IL 60638. Send protests to: William L. Hughes DS, ICC, 1025 Federal Building, Baltimore, MD 21201.

MC 135234 (Sub-14TA), filed February 9, 1979. Applicant: TRENCO, INC., P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. *Contract carrier: irregular routes: New furniture, furniture parts,* and *materials, equipment and supplies* used in the manufacture of new furniture and furniture parts, between Williamsport, PA, and Louisburg, NC, on the one hand, and, on the other, points in NJ, VA, MS and IN, for the account of J. K. Rishel Furniture Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. K. Rishel Furniture Co., P.O. Box 3067, Williamsport, PA 17701. Send protests to: P. J. Kenworthy, DS, ICC, 314 U.S. Post Office Bldg., Scranton, PA 18503.

MC 136605 (Sub-89TA), filed February 8, 1979. Applicant: DAVIS BROS. DIST., INC., P.O. Box 8058, Missoula, MT 59807. Representative: Allen P. Felton (same address as applicant). *Bentonite* from the facilities of Wyo-Ben, Inc., in Big Horn and Hot Springs Counties, WY to points in ID, WA and OR, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): J. V. Wandler, General Mgr., Wyo-Ben Supply, P.O. Box 20317, Billings, MT 59107. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138732 (Sub-19TA), filed February 2, 1979. Applicant: OSTERKAMP TRUCKING, INC., 764 N. Cypress Street, Box 5546, Orange, CA 92667. Representative: Michael Eggleton, 2500 Old Crow Canyon Road, Suite 325, San Ramon, CA 94583. *Waste paper, waste paper products, waste cardboard, and waste newsprint,* from points in Salt Lake and Davis Counties, UT, to the facilities of Crown Zellerbach at Antioch, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Crown Zellerbach Corporation, One Bush Street, San Francisco, CA 94104. Send protests to: Irene Carlos, Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

MC 139261 (Sub-16TA), filed January 19, 1979. Applicant: BUCKEYE EXPRESS, INC., H and 1st Streets, P.O. Box 368, Perrysburg, OH 43551. Representative: Michael M. Briley, Esq., 300 Madison Ave., 12th Fl., Toledo, OH 43603. Contract carrier-irregular routes. *Food products* (except commodities in bulk), from Napoleon, OH to points in IA, IL, IN, KS, KY, MI, MN, MO, NY, PA, TN, TX, WI and WV. Limited to transportation service to be performed for and under a continuing contract or contracts with Campbell Soup Co., for 180 days. Supporting shipper(s): Campbell Soup Co., E. Maumee St., Napoleon, OH 43545. Send protests to: I.C.C., 313 Federal Office Bldg., 234 Summit St., Toledo, OH 43604.

MC 142508 (Sub-46TA), filed February 9, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Drugs, medicines, and toilet preparations, in mechanically temperature trailers,* from the facilities of Smith Kline & French Laboratories, a division of Smith Kline Corporation, at Philadelphia, PA and Bellmawr, NJ, to Sparks, NV, for 180 days. An underlying ETA has been filed. Supporting shipper(s): Smith Kline & French Laboratories, 1500 Spring Garden St., Philadelphia, PA 19101. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142508 (Sub-49TA), filed February 13, 1979. Applicant: NATIONAL TRANSPORTATION, INC., 10810 So. 144th St., P.O. Box 37465, Omaha, NE 68137. Representative: Lanny N. Fauss, P.O. Box 37096, Omaha, NE 68137. *Confectionery (except in bulk), in vehicles equipped with mechanical refrigeration,* from the facilities of E. J. Brach & Sons, Division of American Home Product Corporation, in the Chicago, IL commercial zone, to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): E. J. Brach & Sons, Division of American Home Products, 4656 W. Kinzie St., Chicago, IL 60644. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 142672 (Sub-49TA), filed February 9, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 159, Rogers, AR, 72756. (1) *Floor and wall covering materials;* and (2) *Vacuum cleaners;* and (3) *materials, equipment and supplies* used in the installation and maintenance of the commodities named in (1), and (2), for 180 days as a common carrier over irregular routes. Supporting shipper(s): Dean's Discount Carpet, Inc., 4200 Kelly Highway, Fort Smith, AR 72904. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 7220.

MC 143179 (Sub-9TA), filed December 11, 1978, and published in the FEDERAL REGISTER issue of January 23, 1979, and republished as corrected this issue. Applicant: CNM CONTRACT CARRIERS, INC., P.O. Box 1017, Omaha, NE 68101. Representative: Foster L. Kent (same as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Wood excelsior products,* from Rice Lake, WI, to points in AR, CO, IL, IN, IA, KS, LA, MI, MN, MO, NE, ND, OK, SD, and TX, under a continuing contract(s) with American Excelsior Comany, for 180 days. Supporting shipper(s): American Excelsior Company, 850 Avenue East, P.O. Box 5067, Arlington, TX 76011. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102. The purpose of this republication is to show Michigan (MI) in lieu of Massachusetts (MA) as previously published.

MC 143540 (Sub-10TA), filed February 12, 1979. Applicant: MARINE TRANSPORT COMPANY, P.O. Box 2142, Wilmington, NC 28402. Representative: Jean H. Lewis, Esquire, 9525 Trojan Court, Richmond, VA 23229. *Meat, meat products, meat by-products and packinghouse products* between points in Denver, CO; Cherokee, Cedar Rapids, Des Moines, Denison, Iowa Falls and Tama, IA; Monmouth, IL; Logansport, IN; Albert Lea, MN; Marshall, MO; Omaha and Crete, NE; Oklahoma City, OK; and Cudahy, WI; on the one hand, and, on the other, port facilities located in Savannah, GA; Wilmington, NC; Charleston, SC; and Norfolk, VA for 180 days. An underlying ETA seeking 90 days authority has been filed. Supporting Shipper(s): Macwood Import and Export, Inc., 393 Seventh Avenue, Suite 2117, New York, NY 10001. Send protests to: Mr. Archie W. Andrews, District Supervisor, Interstate Commerce Commisison, P.O. Box 26896, Washington, DC 20423.

MC 143651 (Sub-6TA), filed November 22, 1978, and published in the FEDERAL REGISTER issue of January 15, 1979, and republished as corrected this issue. Applicant: BLACKHAWK EXPRESS, INC., P.O. Box 705, Lakeview, IA 51450. Representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, IA 52501. *Potting soil and organic compost,* from LaPorte, IN to points in DE, IL, IN, IA, KS, MD, MI, MO, MN, NE, NY, ND, OH,

PA, SD, VA, WV and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Green Thumb Company, Division of Ralston Purina, P.O. Box 760, Apopka, IL 32703. Send protests to: Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102. The purpose of this republication is to add Minnesota (MN) as a destination state as previously omitted.

MC 143910 (Sub-5TA), filed January 3, 1979. Applicant: NEW HAMPSHIRE CONTINENTAL EXPRESS, INC., P.O. Box 4956, Manchester, NH 03108. Representative: Charles E. Creager, P.O. Box 1417, Hagerstown, MD 21470. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foods, foodstuffs, food-treating compounds, chemicals and additivies*, (except in bulk), and *materials, equipment and supplies* used in the manufacture, preparation, sale and distribution of spices, extracts, convenience foods, products, salad dressing, and foodstuffs, (except in bulk), and (2) *commodities*, the transportation of which is exempt from regulation under the provisions of Section 203(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities described in (1) above, between Baltimore, MD, and its commercial zone on the one hand, and on the other, points in FL, under a continuing contract or contracts, with McCormick & Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCormick & Co., Inc., 11350 McCormick Rd., Hunt Valley, MD 21031. (Attn: William M. Pappas Manager-Distribution). Send protests to: Ross J. Seymour DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 144667 (Sub-4TA), filed February 8, 1979. Applicant: ARTHUR E. SMITH & SON TRUCKING, INC., P.O. Box 1054, Scottsbluff, NE 69361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Meat, meat products, meat by-products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles)*, (1) From the facilities of Geo. A. Hormel & Co. at Scottsbluff, NE, to the commercial zones of Los Angeles, CA; Detroit, MI; Chicago, IL; Charlotte, NC; and points in NY, CT, PA, and NJ; (2) From the facilities of Geo. A. Hormel & Co. at Fremont, NE to the commercial zones of New Haven, CT and Binghamton, NY; and (3) From the facilities of Geo. & A. Hormel & Co. at Ottumwa, IA and from Schuyler, NE to points in PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Edward C. Hunkele, Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Max H. Johnston, ICC, 285 Federal Bldg., 100 Centennial Mall North, Lincoln, NE 68508.

MC 144889 (Sub-3TA), filed February 8, 1979. Applicant: RONWAL TRANSPORTATION, INC., 2600 Calumet Ave., Hammond, IN 46320. Representative: Walter C. Rymarowicz, same address as applicant. *Iron and Steel articles*, from the facilities of Midwest Steel Division, National Steel Corp., Portage, IN to pts in IL on and north of U.S. Hwy 36 for 180 days. An ETA has been granted. Supporting Shipper(s): Midwest Steel Division, National Steel Corp., P.O. Box 1, Portage, IN 46368. Send protests to: Annie Booker, Transportation Assistant, 219 S. Dearborn St. Rm. 1386, Chicago, IL 60604.

MC 145152 (Sub-37TA), filed February 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Waste paper*, from Rogers, AR to Tucker, GA; Monroe, MI; St. Louis and Kansas City, MO; Long Island, NY; Asheville, NC; Cleveland, Dayton and Lebanon, OH; Easley and Charleston, SC, for 180 days, as a common carrier over irregular routes. An underlying ETA seeks 90 days authority. Supporting Shipper(s): L & L Packaging Company, Inc., P.O. Box 1339, Rogers, AR 72756. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145152 (Sub-38TA), filed February 13, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Don Garrison, P.O. Box 159, Rogers, AR 72756. *Foodstuffs* (except in bulk), from Kansas City, MO to points in AL, FL, GA, KY, MS, NC, NJ, PA, SC, TN, VA, and WV, for 180 days, as a common carrier over irregular routes. Supporting Shipper(s): Commercial Distribution Center, Inc., 16500 E. Truman Road, Independence, MO 64051. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 145973 (Sub-1TA), filed January 8, 1979. Applicant: B & B EXPRESS, INC., P.O. Box 5552, Station B, Greenville, SC 29606. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* used in the manufacture of new furniture, (1) Between Monroe, MI, Redlands, CA, Tremonton, UT and Florence, SC, (2) From points in CA to Tremonton, UT, restricted to traffic moving for the account of La-Z-Boy Chair Co., Monroe, MI, under a continuing contract or contracts, with La-Z-Boy Chair Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): La-Z-Boy Chair Company, 1284 N. Telegraph Road, Monroe, MI 48161. Send protests to: E. E. Strotheid, DS, ICC, Room 302, 1400 Building, 1400 Pickens St., Columbia, SC 29201.

MC 146038TA, filed January 5, 1979. Applicant: QUICK-SILVER, INC., Box 213, Liberty, MO 64068. Representative: Tom B. Kretsinger, Kretsinger & Kretsinger, 20 East Franklin, Liberty, MO 64068. *Meat, meat products, meat by-products and articles distributed by packing houses*, as described in sections A, B and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, (except hides and commodities in bulk), food stuffs and such items dealt in wholesale, retail and chain grocery and food business houses, (1) From Kansas City, MO, and its commercial zone to all points in MO, and KS; (2) from Wichita, KS to Kansas City, MO, and its commercial zone and all points in MO; (3) from Hutchison, KS to Kansas City, MO and its commercial zone and all points in MO; (4) from St. Joseph, MO and its commercial zone to Kansas City, MO and its commercial zone, all points in KS and St. Louis, MO and its commercial zone; (5) between St. Louis, MO and its commercial zone, and Kansas City, MO and its commercial zone, on the one hand, and on the other hand, all points in MO and KS; (6) between Carthage and Monett, MO on the one hand, and on the other hand, St. Louis, MO and its commercial zone, Kansas City, MO and its commercial zone and all points in KS; (7) between Macon, Moberly, Carrollton and Marshall, MO on the one hand, and on the other hand, Kansas City, MO and its commercial zone and all points in KS, for 180 days. Supporting Shipper(s): There are approximately (12) statements of support attached to this application which may be examined at the Interstate Commerce Commisison in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Vernon V. Coble, DS, ICC, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

MC 146055 (Sub-1TA), filed February 14, 1979. Applicant: DOUBLE "S" TRUCK LINE, John H. Schueman & Denny Schueman d.b.a., 425 Livestock Exchange Building, Omaha, NE 68107. Representative: James F. Crosby, P.O. Box 37205, Omaha, NE 68137. *Meats,*

meat products, and meat byproducts, and articles distributed by meat packinghouses, as described in section A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except hides and commodities in bulk in tank vehicles), from the facilities of Western Iowa Pork at or near Harlan, IA to points in CA, for 180 days. Supporting shipper(s): Gary McFarland, Western Iowa Pork, Harlan, IA 51537. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146162 (Sub-1TA), filed January 29, 1979. Applicant: TRANSPORTATION EQUIPMENT CORP., 240 112th St., Hammond, IN 46320. Representative: Joseph Winter, 29 S. LaSalle St., Chicago, IL 60603. (1) *Iron and steel articles*, from the facilities of Republic Steel Corp. at Chicago, IL to pts in MI, and (2) *metal articles and building materials and supplies*, between the facilities of Master Jobbers, Inc. at Hammond, IN, on the one hand, and, on the other, pts in MI for 180 days. An underlying ETA has been granted. Supporting shipper(s): Republic Steel Corp., 116th St. & Burley Ave., Chicago, Il 60617; Master Jobbers Inc., 240 E. 112th St., Hammond, IN 46320. Send protests to: TA Annie Booker, 219 S. Dearborn St. Rm. 1386, Chicago, IL 60604.

MC 146173 (Sub-1TA), filed February 7, 1979. Applicant: PROFESSIONAL CARGO SERVICES INC., P.O. Box 9244, Wichita, KS. 67277. Representative: Bruce L. Dusenberry, 177 N. Church Ave., Suite 1008, Tucson, AZ 85701. Aircraft components, parts and systems, and related materials and supplies under an exclusive continuing contract with Gates Learjet Corporation from plantsite of Gates Learjet Corporation at or near Wichita, KS., and plantsite of Gates Learjet Corp. at or near Tucson, AZ.; contract carrier, irregular routes, 180 days; underlying ETA granted February 1, 1979. Supporting shipper(s): Gates Learjet Corporation, P.O. Box 11186, Tucson, AZ 85734. Send protests to: M. E. Taylor, Dist. Supv., Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS. 67202.

MC 146186 (Sub-1TA), filed February 1, 1979. Applicant: SPRUELL & SONS, INC., 3970 Bankhead Highway, Douglasville, Georgia 30134. Representative: K. Edward Wolcott, Watkins & Daniell, P.G., 1200 Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, Georgia 30303. *Such merchandie as is marketed by home products distributors for the account of Stanley Home Products, Inc.* from Atlanta, GA and its commercial zone to points in FL, in and north of Dixie, Gilchrist, Alachua, Putnam and Flagler counties; points in SC in and west of Cherokee, Union, Newberry, Lexington, Aiken, Barnwell, Bamberg, and Hampton counties; and points in AL in and south of Chambers, Tallapoosa, Macon, Bullock, Pike, Crenshaw, Butler, Conecuh, Escambia and Baldwin counties; for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): Stanley Home Products, Inc., 116 Pleasant Street, Easthampton, Massachusetts 01027. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Room 300, Atlanta, Georgia 30309.

MC 146213 (Sub-1TA), filed February 7, 1979. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, P.O. Box 76, Wisconsin Dells, WI 53965. Representative: Jack Meyer, 111 E. Wisconsin Ave., Milwaukee, WI 53202. *Paper and paper products, cleaning compounds, and plastic containers and dispensers of cleaning compounds (except commodities in bulk)* from the facilities of Bay West Paper Co. in Green Bay, WI to points in AZ, CA, CO, ID, MT NV, NM, OR, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bay West Paper Co., 1100 W. Mason St., Green Bay, WI 54303. Send protests to: Gail Daugherty, Transportation Asst., Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building & Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, Wisconsin 53202.

MC 146223 (Sub-1TA), filed February 14, 1979. Applicant: JESSE ERWIN TRUCKING, 6915 Morman Bridge Rd., Omaha, NE 68152. Representative: Melvin C. Hansen, 610 Service Life Bldg., Omaha, NE 68102. *Contract carrier:* Irregular routes: *Meat*, from Omaha, NE to Chicago, IL and its commercial zone, under contract with John Roth and Son, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Alfred J. Roth, John Roth & Son, Inc., 43rd and T Streets, Omaha, 68107. Send protests to: Carroll Russell, ICC, Suite 620, 110 No. 14th St., Omaha, NE 68102.

MC 146265 (Sub-2TA), filed February 12, 1979. Applicant: JIM ENGLAND TRUCKING, 3905 Shamrock Drive, Huntsville, AL 35910. Representative: J. Michael May, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. Contract, irregular: *Steel actylene cylinders and parts for cylinders*, from Huntsville, AL, to Charlotte, NC; Chicago, IL; Eddystone, PA; Ferndale, MI; Houston, TX; Kansas City, KS; Lexington, KY; Maple Shade, NJ; Mentor, OH; and Tampa, FL. Restricted to traffic moving under a continuing contract or contracts with Coyne Cylinder Company, Huntsville, AL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coyne Cylinder Company, 521 Green Cove Road SE., Huntsville, AL 35803. Send protests to: Mable Holston, Transportation Assistant, Suite 1616, 2121 Bldg., Bureau of Operation, ICC, Birmingham, AL 35203.

PASSENGER CARRIER

MC 2908 (Sub-26TA), filed October 17, 1978. Applicant: CAPITAL MOTOR LINES, d.b.a. CAPITAL TRAILWAYS, P.O. Box 1427, Montgomery, AL 36102. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Penn Ave. & 13th St., NW., Washington, DC 20004. Common, regular: (A) *Passengers and their baggage and express and newspapers, in the same vehicle with passengers*, (1) between junction of U.S. Hwy 80 and Alabama Hwy 28 and junction U.S. Hwy 80 and U.S. Hwy 11 (near Cuba, AL, serving all intermediate points: From junction U.S. Hwy 80 and Alabama Hwy 28 over U.S. Hwy 80 and U.S. Hwy 11 and return over the same route. Common, irregular: (B) *Passengers and their baggage in one-way and round-trip charter operations*, from points on the route and the territory served by the route described in Part (A) above to points in the U.S. (including AK, but excluding HI). Applicant intends to tack the authority here applied for to the authority presently held by it, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately (20) statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protest to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC Room 1616, 2121 Building, Birmingham, AL 35203.

By the Commission.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-9237 Filed 3-26-79; 8:45 am]

[7035-01-M]

[Decisions Volume No. 20]

PERMANENT AUTHORITY APPLICATIONS

Decision-Notice

Decided: March 5, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100. 247). These rules provide, among other things, that a protest to the

granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We Find:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient protests, filed by April 26, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a noncomplying applicant shall stand denied.

By the Commission, Review Board Number 2, Members Boyle, Eaton, and Liberman.

H. G. HOMME, Jr.,
Secretary.

MC 2421 (Sub-19F), filed January 10, 1979. Applicant: NEWTON TRANSPORTATION COMPANY, INC., 510 Greer Circle, SW, P.O. Box 678, Lenoir, NC 28645. Representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW, Washington, DC 20004. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture* and *furniture parts*, from the facilities of Broyhill Furniture Industries, Inc., in Catawba and Alexander Counties, NC, to points in IL, IN, OH, PA, WV, and KY. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 7698 (Sub-13F), filed January 27, 1979. Applicant: FOWLER & WILLIAMS, INC., 1300 Meylert Avenue, Scranton, PA 18501. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *gypsum and gypsum products*, and (b) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities in (1)(a) above, from Akron and Buchanan, NY, Milford, VA, and Wilmington, DE, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC; and (2)(a) *building materials*, and (b) *materials, equipment, and supplies* used in the manufacture, installation, and distribution of the commodities in (2)(a) above, from Quakertown, PA, to points in CT, DE, MD, MA, NJ, NY, PA, RI, VA, and DC. (Hearing site: Scranton, PA.)

MC 14252 (Sub-45F), filed February 5, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *toys, games, and children's vehicles*, from the facilities of Louis Marx and Co., at (a) Glendale, WV, and (b) Columbus, OH, to points in VA, WV, PA, KY, OH, IN, IL, MO, and IA. (Hearing site: Columbus, OH, or Washington, DC.)

MC 18088 (Sub-58F), filed January 11, 1979. Applicant: FLOYD & BEASLEY TRANSFER COMPANY, INC., P.O. Drawer 8, Sycamore, AL 35149. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, NW, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *textiles and textile products*, and (2) *equipment, materials, and supplies* used in the operation of textile mills and warehouses (except commodities the transportation of which because of size or weight requires the use of special equipment), between the facilities of Monsanto Company, at or near Gonzalez and Pensacola, FL, on the one hand, and, on the other, points in AL and TN, and the facilities of Firestone Tire and Rubber Company, at or near Bowling Green, KY. (Hearing site: Washington, DC.)

MC 19311 (Sub-56F), filed January 8, 1979. Applicant: CENTRAL TRANSPORT, INC., 34200 Mound Road, Sterling Heights, MI 48077. Representative: Walter N. Bieneman, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48033. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of the Ford Motor Company, and Hessco Corporation, at or near Louisville, KY, as an off-route point in connection with carrier's otherwise-authorized regular-route operations between Atlanta, GA and Ft. Worth, TX. (Hearing site: Detroit or Lansing, MI.)

MC 34027 (Sub-13F), filed December 20, 1978. Applicant: GEETINGS INC., P.O. Box 82, Pella, IA 50219. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *wood windows, sliding glass doors, wood folding doors, and partitions*, and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between Pella, IA, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Des Moines, IA.)

MC 35387 (Sub-2F), filed December 20, 1978. Applicant: ORBIT EXPRESS, INC., 105 Creeper Hill Road, North Grafton, MA 01536. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) (a) *such commodities* as are dealt in by grocery and food business houses, (except commodities in bulk), and (b) *materials, equipment, and supplies* used in the conduct of such businesses, (except commodities in bulk), between points in MA, on the one hand and, on the other, points in CT, MA, ME, NJ, NY, RI, and VT; and (2) *general commodities* (except classes A and B explosives), between points in MA. Condition: Issuance of a certificate in this proceeding is subject to prior or coincidental cancellation at applicant's written request of Certificate of Registration MC 35387 Sub 1. (Hearing site: Boston, MA.)

NOTE.—Applicant states that by part (2) above it seeks to convert its existing Certificate of Registration in No. MC 35387 Sub 1, issued August 15, 1968, to a certificate of public convenience and necessity.

MC 35807 (Sub-91F), filed December 18, 1978. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, a Delaware Corporation, P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coin, currency, securities, and food stamps*, between Cincinnati, OH, on the one hand, and, on the other, points in KY, under continuing contract(s) with banks and banking institutions. (Hearing site: Cincinnati or Cleveland, OH.)

MC 41406 (Sub-104F), filed December 18, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Representative: Wade H. Bourdon (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and aluminum articles*, from the facilities of Kaiser Aluminum & Chemical Corporation, at or near Ravenswood, WV, to points in AL, AR, FL, GA, LA, MS, NC, SC, TN, and TX. (Hearing site: none specified.)

MC 42487 (Sub-892F), filed December 21, 1978. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, a Delaware Corporation, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Melster Candies, Inc., at Cambridge, WI, as an off-route point in connection with applicant's otherwise authorized regular-route operations. (Hearing site: Madison, WI.)

MC 42828 (Sub-14F), filed February 5, 1979. Applicant: THEODORE ROSSI TRUCKING CO., INCORPORATED, 9 South Vine Street, P.O. Box 332, Barre, VT 05641. Representative: William L. Rossi, P.O. Box 332, Barre, VT 05641. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *stone*, from Barre, VT, and points within 15 miles of Barre, VT, to points in OH.

NOTE.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(a) (formerly section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Barre, VT, or Akron, OH.)

MC 48221 (Sub-20F), filed January 8, 1979. Applicant: W. N. MOREHOUSE TRUCK LINE, INC., 4010 Dahlman Ave., Omaha, NE 68106. Representative: Donald L. Stern, Suite 610, 7171 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Omaha, NE, to points in IA, MN, and WI. (Hearing site: Omaha, NE.)

MC 48958 (Sub-168F), filed February 5, 1979. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., A Nebraska Corporation, 510 East 51st Avenue, P.O. Box 16404, Denver, CO 80216. Representative: Lee E. Lucero (same address as applicant). To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Kansas City, MO, and Oklahoma City, OK; from Kansas City over U.S. Hwy 50 the junction U.S. Hwy 81, then over U.S. Hwy 81 to Wichita, KS, then over Interstate Hwy 35 to Oklahoma City, and return over the same route, serving the intermediate points of Wichita and Emporia, KS, and (2) between Emporia and Wichita, KS; over Interstate Hwy 35, serving no intermediate points. (Hearing site: Chicago, IL, or Kansas City, MO.)

MC 51146 (Sub-671F), filed December 28, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Neil A. DuJardin (same address as applicant). To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plastic products, and accessories* for plastic products, from the facilities of Airlite Plastics Company, at or near Omaha, NE, to points in AR, IA, MI, MN, TX, and WI. (Hearing site: Chicago, IL.)

MC 59457 (Sub-41F), filed December 26, 1978. Applicant: SORENSEN TRANSPORTATION CO., INC., Old Amity Road, Bethany, CT 06525. Representative: Thomas W. Murrett, 342

North Main Street, West Hartford, CT 06117. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dairy products*, (except commodities in bulk), (A), from Stratford, CT to points in CT, MA, DE, ME, MD, NH, NJ, NY, PA, RI, and VT, and (B) from Springfiled, MA, to points in CT, DE, MA, ME, MD, NH, NJ, NY, PA, RI, and VI and (C) from the facilities of the Borden Corp. at (a) Baltimore, MD, (b) Pittsburgh, PA, (c) Syracuse, NY, (d) Woodbridge, NJ, and (e) Burlington, VT, to Stratford, CT; (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, except commodities in bulk, from the destination points in (1)(A) above, to Stratford, CT; (3) *aluminum dollies*, from Chattanooga, TX, to Stratford, CT; and (4) *dry ice cream stabilizers*, in containers, from Atlanta, GA, to Stratford, CT; restricted in (1)(A), (1)(C), and (2) through (4) above to the transportation of traffic originating at or destined to the facilities of Borden Corporation, at Stratford, CT. (Hearing site: Hartford, CT.)

MC 59856 (Sub-84F), filed January 2, 1979. Applicant: SALT CREEK FREIGHTWAYS, a Corporation, 3333 W. Yellowstone, Casper, WY 82602. Representative: John R. Davidson, Suite 805 Midland Bank Bldg., Billings, MT 59101. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum and gypsum products*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from Heath, MT, to points in CO and WY. (Hearing site: Denver, CO, or Billings, MT.)

MC 69116 (Sub-213F), filed December 20, 1978. Applicant: SPECTOR INDUSTRIES, INC., a Delaware Corporation, d.b.a. SPECTOR FREIGHT SYSTEM, 1050 Kingery Highway, Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles and agricultural discs*, from Midland, PA, to points in WI and MN. (Hearing site: Chicago, IL.)

MC 69116 (Sub-216F), filed January 2, 1979. Applicant: SPECTOR INDUSTRIES, INC., a Delaware corporation, doing business as SPECTOR FREIGHT SYSTEM, 1050 Kingery Hwy., Bensenville, IL 60106. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paneling*, from New Orleans, LA, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 71652 (Sub-27F), filed February 6, 1979. Applicant: BYRNE TRUCKING, INC., P.O. Box 1124, Medford, OR 97501. Representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building board*, from the facilities of Mansonite Corporation, at or near Ukiah, CA, to points in OR, ID, and WA. (Hearing site: San Francisco, CA, or Portland, OR.)

MC 82492 (Sub-221F), filed January 15, 1979. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: Dewey R. Marselle (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from points in WI, to those points in NY in and West of Broome, Cortland, Onondaga, and Oswego Counties, those in PA on and West of U.S. Hwy 219, and points in IL, IN, IA, KS, KY, MN, MO, NE, OH, ND, SD, and TN, restricted to the transportation orignating at the indicated origins. (Hearing site: Green Bay or Milwaukee, WI.)

MC 85934 (Sub-89F), filed December 12, 1978. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Avenue, Dearborn, MI 48120. Representative: Edwin M. Snyder, 22375 Haggerty Road, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, from points in LaSalle County, IL, and Berrien County, IL, and Berrien County, MI, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, MH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI. (Hearing site: Chicago, IL, or Washington, DC.)

MC 85934 (Sub-92F), filed October 19, 1978, previously noticed in the FEDERAL REGISTER issue of January 11, 1979. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 3601 Wyoming Street, P.O. Box 248, Dearborn, MI 48120. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal tar and coal tar products*, in bulk, in tank vehicles, from Detroit, MI, to points in IL, IN, NJ, NY, OH, PA, and WI. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—This republication changes the subnumber from 83F to 92F.

MC 93147 (Sub-4F), filed September 26, 1978. Applicant: DELTA TRANSPORT, CORP., a Massachusetts corporation, 80 James St., Jersey City, NJ 07303. Representative: Paul Sheley, 72 Irene St., Springfield, MA 01108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between CT-NY State line near Byram, CT, and CT-RI State line at or near Clarks Falls, CT: over Interstate Hwy 95, (b) between CT-NY State line and junction U.S. Hwy 6 and CT Hwy 52: from CT-NY State line over Interstate Hwy 84 to junction U.S. Hwy 6 near Danbury, CT, then over U.S. Hwy 6 to junction CT Hwy 52 near Danielson, CT, and return over the same route, (c) between New Haven, CT and CT-MA State line at Thompsonville, CT: over Interstate Hwy 91, (d) between New Haven, CT, and CT-MA State line near Thompsonville, CT: over U.S. Hwy 5, (e) between Bridgeport, CT, and CT-MA State line at or near Algonquin State Forrest: over CT Hwy 8, (f) between Norwalk, CT, and CT-MA State line at or near Canaan, CT: over U.S. Hwy 7, (g) between junction Interstate Hwys 84 and 86 at East Hartford, CT, and CT-MA State line at or near Mashapaug, CT: over Interstate Hwy 86, (h) between New London, CT, and CT-MA State line: from New London over CT Hwy 32 to junction CT Hwy 52, then over CT Hwy 52 to CT-MA State line, and return over the same route, (i) between junction Interstate Hwy 91 and CT Hwy 9 and junction Interstate Hwy 95 and CT Hwy 9: over CT Hwy 9, (j) between Hartford, CT, and CT-RI State line at or near Pawcatuck, CT: over CT Hwy 2, (k) between junction Intestate Hwy 84 and CT Hwy 34 and New Haven CT: over CT Hwy 34, (l) between junction CT Hwys 2 and 85 near Colchester, CT, and junction CT Hwys 85 and 52 near New London, CT: over CT Hwy 85, (m) between junction U.S. Hwys 7 and 202 near New Milford, CT and junction Interstate Hwy 84 and U.S. Hwy 202 near Germantown, CT: over U.S. Hwy 202, (n) between junction U.S. Hwys 7 and 44 near Canaan, CT, and junction U.S. Hwy 44 and CT 52 near Putnam, CT: from junction U.S. Hwys 44 and 7 over U.S. Hwy 44 to junction U.S. Hwy 44A at Manchester, CT, them over U.S. Hwy 44A to junction U.S. Hwy 44 near West Ashford, CT, then over U.S. Hwy 44 to junction CT Hwy 52, and return

over the same route, (o) between West Haven, CT and CT-RI State line near Pawcatuck, CT: over U.S. Hwy 1, (p) between Hamden, CT, and CT-MA State line: over CT Hwy 10, and (q) between junction Interstate Hwy 84 and CT Hwy 66 near Marion, CT, and junction U.S. Hwy 6 and CT Hwy 66 near Willamantic, CT: over CT Hwy 66; in (a) through (q) above, serving all intermediate points and serving all points in CT as off-route points. Condition: Issuance of a certificate in this proceeding is subject to the prior or coincidental cancellation at applicant's written request, of the certificate in MC 93 147 Sub-2, issued February 5, 1979. (Hearing site: Boston, MA, or Washington, DC.)

NOTE.—Applicant states that the purpose of this application is to convert its irregular-route authority in the Sub-2 Certificate to regular-route authority.

MC 95876 (Sub-262F), filed January 2, 1979. Applicant: ANDERSON TRUCKING SERVICE, INC., P.O. Box 1377, St. Cloud, MN 56301. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from points in MI, to points in IA, MN, NE, ND, SD, and WI. (Hearing site: Detroit, MI.)

MC 99597 (Sub-2F), filed November 2, 1978. Applicant: CLEVELAND FREIGHT LINES, INC., 17877 St. Clair Avenue, Cleveland, OH 44110. Representative Lewis S. Witherspoon, 88 East Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), between points in Cuyahoga County, OH. Condition: As already requested by applicants issuance of a certificate in this proceeding is subject to prior or coincidental cancellation, of Certificate of Registration MC 99597 (Sub-1), issued June 16, 1965. (Hearing site: Cleveland, OH.)

NOTE.—Applicant states that the purpose of this application is to convert its Certificate of Registration in MC 99597 (Sub-1), to a certificate of public convenience and necessity.

MC 99653 (Sub-11F), filed January 11, 1979. Applicant: VICTORY FREIGHT LINES, INC., P.O. Box 2254, Birmingham, AL 35201. Representative: George M. Boles, 727 Frank Nelson Building, Birmingham, AL 35203. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gypsum wall board, lumber, posts, poles, piling, cross ties, particleboard, and asphalt and composition board sheets*, from the facilities of Weyerhaeuser Co., Inc., at (a) Briar, Dierks, Pine Mountain, DeQueen, and Murphreesboro, AR, and (b) Wright City and Craig, OK, to points in AL, KY, LA, MS, and TN, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Birmingham, AL.)

MC 100666 (Sub-420F), filed December 29, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, LA 71107. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 NW Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), *and filters*, from the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, to points in AR, IL, IA, KS, LA, MO, OK, and TX, restricted to the transportation of traffic originating at the named origin facilities and (2) *petroleum, petroleum products, vehicle body sealer, sound deadener compounds, filters, and materials, equipment and supplies* used in the manufacture, sale and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), from points in IL, KY, and OK, to the facilities of Quaker State Oil Refining Corporation, in Warren County, MS, restricted to the transportation of traffic destined to the named destination facilities. (Hearing site: Dallas, TX.)

MC 102616 (Sub-971F), filed January 2, 1979. Applicant: COASTAL TANK LINES, INC., a Delaware corporation, P.O. Box 5555, Akron, OH 44313. Representative: David F. McAllister (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals and petroleum products*, (except liquefied petroleum gas, anhydrous ammonia, and fertilizer), in bulk, in tank vehicles, from the facilities of Dow Chemical, U.S.A., in Brazoria County, TX, to the ports of entry on the international boundary line between the United States and Canada in MI and NY. (Hearing site: Houston, TX, or Chicago, IL.)

MC 103993 (Sub-947F), filed January 10, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of the Caine Steel Co., at Atlanta, GA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Atlanta, GA.)

MC 105566 (Sub-189F), filed January 5, 1979. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: Thomas F. Kilroy, Suite 406, Executive Bldg., 6901 Old Keene Mill Rd., Springfield, VA 22150. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *heating and air conditioning equipment, and parts* for heating and air conditioning equipment, (except commodities which, because of size or weight, require the use of special equipment), from Medina, OH, to points in AZ, CA, ID, MT, NV, ND, OR, SD, WA, and WY. (Hearing site: Columbus, OH, or Washington, DC.)

MC 106074 (Sub-80F), filed December 8, 1978. Applicant: B AND P MOTOR LINES, INC., Oakland Road and U.S. Highway 221 South, Forest City, NC 28043. Representative: Clyde W. Carver, Suite 212, 5299 Roswell Road NE., Atlanta, GA 30342. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Ore-Ida Foods, Inc., at Greenville, MI, to points in NC, SC, TN, and VA, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL, or Washington, DC.)

NOTE.—Dual operatins are involved in this proceeding.

MC 107727 (Sub-29F), filed November 7, 1978. Applicant: ALAMO EXPRESS, INC., 6013 Rittiman Plaza, San Antonio, TX 78218. Representative: Damon R. Capps, Suite 1230, Capital National Bank Bldg., 1300 Main St., Houston, TX 77002. To operate as a *common carrier*, by motor vehicle, in interstate and foreign commerce, (A) OVER IRREGULAR ROUTES, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Houston and San Antonio, TX, points in IN and OH, those in the Lower Peninsula of MI, and those in Jefferson and Mobile Counties, AL, Maricopa and Pima Counties, AZ, Crittenden, Miller, and Pulaski Counties, AR, Alameda, Contra Costa, Los Angeles, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Stanislaus, Ventura, and Yolo Counties, CA, Adams,

Arapahoe, and Jefferson Counties, CO, Broward, Dade, Duval, Escambia, Hillsborough, Leon, Orange, and Pinellas Counties, FL, Cobb, De Kalb, and Fulton Counties, GA, Cook, Kane, Madison, Peoria, Rock Island, St. Clair, Tazewell, and Will Counties, IL; Boone, Campbell, Kenton, and Jefferson Counties, KY, Johnson and Wyandotte Counties, KS, Greene, Jackson, Jasper, Platte, and St. Louis Counties, MO, Bernalillo County, NM, Buncombe, Davidson, Durham, Forsyth, Guilford, Mecklenburg, and Wake Counties, NC, Canadian, Cleveland, Grady, Oklahoma, Osage, Pittsburg, and Tulsa Counties, OK, Greenville and Spartanburg Counties, SC, Davidson, Hamilton, Knox, and Shelby Counties, TN, Salt Lake, Tooele, Utah, and Weber Counties, UT, Milwaukee County, WI, and Bossier, Caddo, Jefferson, Orleans, and West Baton Rouge Parishes, LA; and (B) OVER REGULAR ROUTES, transporting *general commodities,* (a) between San Antonio and Galveston, TX: from San Antonio over Interstate Hwy 10 to Houston, then over Interstate Hwy 45 to Galveston, and return over the same route, serving all intermediate points between Houston and Galveston, and serving the facilities of Western Electric Corporation near Houston as an off-route point; (b) between San Antonio and Laredo, TX: over Interstate Hwy 35, serving all intermediate points, and serving Von Ormy, Lytle, Natalia, Devine, Moore, Pearsall, Derby, Dilley, Cotulla, Artesia Wells, Encinal, TX, and the facilities of Frio-Tex Oil and Gas Company, near Moore, TX as off-route points; (c) between San Antonio and Corpus Christi, TX: over U.S. Hwy 181, serving all intermediate points, and serving the facilities of Susquehanna Western, Inc., and the Conquisto Project, both near Falls City, TX, as off-route points; (d) between San Antonio and Corpus Christi, TX: from San Antonio over U.S. Hwy 281 to junction TX Hwy 9, then over TX Hwy 9 to junction Interstate Hwy 37, then over Interstate Hwy 37 to Corpus Christi, and return over the same route, serving no intermediate points, (e) between San Antonio and Port Lavaca, TX: over U.S. Hwy 87, serving all intermediate points between and including Cuero and Port Lavaca, TX; (f) between Houston and Larado, TX: over U.S. Hwy 59, serving intermediate points between and including Houston and Fannin, TX, and between and including Freer and Laredo, TX, and serving the Transcontinental Gas Pipe Line Corporation Compressor Station near El Campo, TX, as an off-route point;

(g) between Houston and Hungerford, TX: from Houston over U.S. Hwy Alternate 90 to East Bernard, TX, then over TX Hwy 60 to Hungerford, and return over the same route, serving all intermediate points; (h) between Houston, TX, and junction TX Hwy 35 and U.S. Hwy 181, near Gregory: over TX Hwy 35, serving all intermediate points and serving Liverpool, Danbury, Damon, Guy, Needville, Newgulf, Iago, Buff, Boling, Pledger, Danciger, Ashwood, Sweeney, Cedar Lane, Gainsmore, Hawkinsville, Port O'Connor, Sargent, Buckeye, Markham, Danevang, Midfield, Blessing, Francitas, Elmaton, Collegeport, La Ward, Lolita, Vanderbilt, La Salle, Olivia, Bayside, and Austwell, TX, as off-route points; (i) between Houston and Freeport, TX: over TX Hwy 288, serving all intermediate points between and including Angleton and Freeport, TX, and serving Velsaco, Dow, and Quintana, TX, as off-route points; (j) between Galveston, TX, and junction TX Hwy 6 and U.S. Hwy 59, near Sugar Land: over TX Hwy 6, serving all intermediate points; (k) between Houston and Clute, TX: from Houston over TX Hwy 225 to junction TX Hwy 134, then over TX Hwy 134 to junction TX Hwy 146, then over TX Hwy 146 to junction Interstate Hwy 45, near Texas City, then over Interstate Hwy 45 to Galveston, then over TX Farm Road 3005 to junction unnumber County Road on Galveston Island, then over unnumbered County Road to junction TX Hwy 332, then over TX Hwy 332 to Clute, and return over the same route, serving all intermediate points; (l) between Freeport and West Columbia, TX: over TX Hwy 36, serving all intermediate points; (m) between Bay City and Matagorda, TX: over TX Hwy 60, serving all intermediate points, and serving Lane City, Gulf, and Magnet, TX, as off-route points; (n) between Seadrift and Victoria, TX: over TX Hwy 185, serving all intermediate points; (o) between Cuero and Kenedy, TX: over TX Hwy 72, serving all intermediate points; (p) between Karnes City and Peggy, TX: over TX Farm Road 99, serving all intermediate points, and serving the facilities of Lone Star Production Company and Gulf Oil Company, both near Fashing, TX, as off-route points; (q) between Victoria and Brownsville, TX: over U.S. Hwy 77, serving all intermediate points (except those between Riviera and Raymondville), and serving the Naval Air Station P-4, near Kingsville, as an off-route point; (r) between Skidmore and Laredo, TX: over TX Hwy 359, serving all intermediate points, and serving the facilities of Wyoming Mining & Minerals, near Bruni, TX, as an off-route point; (s) between Corpus Christi and Encinal, TX: over TX Hwy 44, serving all intermediate points; (t) between Freer and Benavides, TX: over TX Hwy 339, serving all intermediate points; (u) between Gonzales and Cuero, TX: over U.S. Hwy 183, serving all intermediate points; (v) between junction TX Hwy 9 and U.S. Hwy 281 near Three Rivers, TX, and Hidalgo, TX: over U.S. Hwy 281, serving all intermediate points (except those between junction TX Hwy 9 and U.S. Hwy 281 and Alice, TX), and serving the facilities of Trunkline Gas Corp, near Premont, TX, and Clay West Uranium Plant, near George West, TX, as off-route points; (w) between Laredo, TX, and junction U.S. Hwys 83 and 77, near San Benito, TX over U.S. Hwy 83, serving all intermediate points (except those between Laredo and Falcon, TX, and serving Baldridge, Los Ebanos, Carrizelos, Grulla, and Garcia (Garciasville), TX, and the facilities of (i) King Pipe Yard, (ii) Jackson Station of the Valley Pipe Line Co, and (iii) Fordyce Gravel Co, all near Mission, TX, as Off-route points; (x) between Mission and Harlingen, TX: over TX Hwy 107, serving all intermediate points; (y) between Port Mansfield, TX, and junction U.S. Hwy 281 and TX Hwy 186: over TX Hwy 186, serving all intermediate points between Port Mansfield and Raymondville; (z) between Harlingen, TX, and junction TX Farm Road 1420 and TX Hwy 186 near San Perlita: over TX Farm Road 1420, serving all intermediate points; (aa) between junction TX Farm Roads 106 and 1420, and junction TX Farm Roads 106 and 1847: over TX Farm Road 106, serving all intermediate points; (bb) between Brownsville, TX, and junction TX Farm Roads 1847 and 106: over TX Farm Road 1847, serving all intermediate points; (cc) between South Padre Island, TX, and junction TX Hwy 100 and U.S. Hwys 83-77: over TX Hwy 100, serving all intermediate points; (dd) between Brownsville, TX, and junction TX Hwys 48 and 100: over TX Hwy 48, serving all intermediate points; (ee) between Harlingen and McAllen, TX: over U.S. Hwy 83 (Business Route), serving all intermediate points; (ff) between Monte Alto and Santa Maria, TX: from Monte Alto over TX Farm Road 88 to junction U.S. Hwy 281, then over U.S. Hwy 281 to Santa Maria, and return over the same route, serving all intermediate points; (gg) between junction U.S. Hwy 77 and U.S. Hwy 77 (Business Route), near Raymondville, TX, and junction U.S. Hwy 77 and U.S. Hwy 77 (Business Route), near San Benito: over U.S. Hwy 77 (Business Route), serving all intermediate points; (hh) between Lasara, TX, and junction TX Farm Road 490 and U.S. Hwy 77: over TX Farm Road 490, serving all intermediate points; (ii) between Kenedy, TX, and junction TX Hwy 239 and U.S. Hwy 59: from Kenedy over TX Hwy 72 to junction TX Hwy 239, then over TX Hwy 239 to junction U.S. Hwy 59, and return over the same route,

serving no intermediate points; (jj) between Port Aransas, TX, and junction TX Hwy 361 and U.S. Hwy 181, near Gregory: over TX Hwy 361, serving all intermediate points, (kk) between San Benito, TX, and junction TX Hwy 345 and TX Farm Road 106, over TX Hwy 345, serving all intermediate points, (ll) between Brownville and Port Brownsville, TX: from Brownsville over TX Hwy 48 to junction TX Farm Road 1792, then over TX Farm Road 1792 to Port Brownsville, and return over the same route, serving all intermediate points, and serving the facilities of Union Carbide Chemical Co, near Port Brownsville, as an off-route point; (mm) between Kingsville, TX and junction TX Hwy 141 and U.S. Hwy 281: over TX Hwy 141, serving all intermediate points, and serving the facilities of the King Ranch Gas Plant of Humble Oil & Refining Co, near Ella, TX, as an off-route point; (nn) between Karnes City and Harmony Community, TX: from Karnes City over TX Hwy 80 to junction TX Farm Road 627, then over TX Farm Road 627 to Harmony Community, and return over the same route, serving all intermediate points; (oo) between Corpus Christi, TX, and the United States Naval Air Base, near Flour Bluff, TX: over Ocean Drive, serving all intermediate points; (pp) between Sullivan City and Rio Grande City, TX: from Sullivan City over U.S. Hwy 83 to junction unnumbered county roads, then over unnumbered county roads to Rio Grande City, and return over the same route, serving all intermediate points; (qq) between Harlingen, TX, and the United States Air Corps Gunnery School near Harlingen: over the Rio Hondo Road, serving all intermediate points; (rr) between Mission, TX, and the United States Army Air Base, near Mission, TX: from Mission over TX Hwy 107 to junction Seven Mile Line Road, then over Seven Mile Line Road to junction Palm Drive, then over Palm Drive to the United States Army Air Base, and return over the same route, serving all intermediate points; (ss) Between Rio Hondo, TX, and the United States Naval Auxiliary Landing Field, near Rio Hondo: from Rio Hondo over TX Farm Road 106 to junction TX Farm Road 803, then over TX Farm Road 803 to the United States Naval Auxiliary Landing Field, and return over the same route; (tt) between Rosenberg, TX, and junction U.S. Hwy 59 and TX Farm Road 360, near Kendelton: from Rosenberg over TX Hwy 36 to Needville, then over TX Farm Road 360 to junction U.S. Hwy 59, and return over the same route, serving no intermediate points; (uu) between Beeville, TX, and the facilities of Trunkline Gas Corp., near Beeville: over TX Hwy 202 serving no intermediate points; (vv) between junction TX Hwys 9 and 72, near Three Rivers, TX, and the facilities of Susquehanna Western, near Three Rivers: over TX Hwy 72, serving no intermediate points; (ww) between Victoria, TX, and the facilities of the Coleta Creek Power Station of Central Power and Light Company, near Fannin, TX: from Victoria over U.S. Hwy 59 to Fannin, then over TX Farm Road 2987 to the favilities of the Coleta Creek Power Station of Central Power and Light Company, and return over the same route, serving no intermediate points; (xx) between junction TX Hwy 60 and TX Farm Road 521, near Wadsworth, and junction TX Farm Road 521 and TX Hwy 35; over TX Farm Road 521, serving all intermediate points, and serving the facilities of the South Texas Project, Houston Lighting & Power Company, as an off-route point; (yy) between Bay City, TX, and junction TX Farm Roads 2668 and 521; over TX Farm Road 2668, serving all intermediate points, and (zz) between Corpus Christi and Chapman Ranch, TX; from Corpus Christi over unnumbered county road to junction TX Hwy 286, then over TX Hwy 286 to Chapman Ranch, and return over the same route, serving to intermediate points. CONDITION: (1) To the extent that the certificate in this proceeding authorizes the transportation of classes A and B explosives, it will expire 5 years from its date of issuance. (2) Issuance of a certificate is conditioned upon receipt of applicant's written request for prior or coincidental cancellation of its certificate of registration in Nos. MC-107727 Subs 15, 20, 21, 22, 23, 24, 25, 26, 27, and 28; and (3) The person or persons who it appears may be engaged in common control of applicant and another regulated carrier must either file and application under 49 U.S.C. § 11343(a) (formerly Section 5(2) of the Interstate Commerce Act), or submit an affidavit indicating why such approval is unnecessary. (Hearing site: San Antonio or McAllen, TX.)

NOTE.—Applicant states that part (B) of this application is to convert its Certificates of Registration in No. MC-107727 Subs 15, 20, 21, 22, 23, 23, 24, 25, 26, 27, and 28 to a certificate of public convenience and necessity.

MC 108119 (Sub-121F), filed February 5, 1979. Applicant: E. L. MURPHY TRUCKING COMPANY, a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55420. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, hydrants, and castings*, and (2) *materials and supplies* used in the installation of the commodities in (1) above, from the facilities of United States Pipe and Foundry Company, at (a) Birmingham and Bessemer, AL and (b) Chattanooga, TN, to points in AZ, AR, CA, CO, ID, IA, KS, LA, MO, MT, NE, NV, NM, OK, OR, TX, UT, WA, and WY. (Hearing site: Birmingham, AL.)

MC 109584 (Sub-187F), filed December 12, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, an Arizona corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid chocolate coating and liquid confections coating*, in bulk, in tank vehicles, from Burlingame, CA, to Seattle, WA. (Hearing site: Oakland or Los Angeles, CA.)

MC 109584 (Sub-188F), filed December 12, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, an Arizona corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *inedible animal fats and vegetable oils*, in bulk, in tank vehicles, from Albuquerque and Clovis, NM, to points in AZ and CA. (Hearing site: Albuquerque, NM, or Los Angeles, CA.)

MC 109584 (Sub-189F), filed December 12, 1978. Applicant: ARIZONA-PACIFIC TANK LINES, an Arizona corporation, 3980 Quebec St., P.O. Box 7240, Denver, CO. Representative: Rick Barker (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *urea resin*, in bulk, in tank vehicles, from Fremont and Ukiah, CA, to Navajo, NM. (Hearing site: Phoenix, AZ.)

MC 111274 (Sub-33F), filed December 12, 1978. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *natural gas engines and materials* used in the manufacture of natural gas engines, between Rockford, IL, on the one hand, and, on the other, Denver, CO, Houston, TX, Tulsa, OK, Houma, LA, and Baltimore, MD, under continuing contract(s) with MEP Industries, of Rockford, IL. (Hearing site: Chicago or Springfield, IL.)

MC 111496 (Sub-26F), filed November 22, 1978. Applicant: TWIN CITY

FREIGHT INC., 2550 Long Lake Road, Roseville, MN 55113. Representative: Alan Foss, 502 First National Bank Bldg., Fargo, ND 58102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Williston, ND, and Kalispell, MT, over U.S. Hwy 2, serving all intermediate points and the off-route points of Whitefish and Columbia Falls, MT, and the Glasgow Air Force Base at Valley City, MT, (2) betweent Butte and Sweetgrass, MT: over U.S. Hwy 91, serving all intermediate points, and (3) between Havre and great Falls, MT: from Havre over U.S. Hwy 2 to junction U.S. Hwy 87, then over U.S. Hwy 87 to Great Falls, and return over the same route, serving all intermediate points. (Hearing site: St. Paul, MN, and Great Falls, MT.)

MC 111594 (Sub-81F), filed December 11, 1978. Applicant: C W TRANSPORT, a Delaware corporation, 610 High Street, Wisconsin Rapids, WI 54494. Representative: Thomas D. O'Conner (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and distributors of iron and steel articles, (except commodities in bulk, and those which because of size or weight require the use of special equipment), between the facilities of Waupaca Foundry, Inc., in Waupaca County, WI, on the one hand, and, on the other, points in GA, IL, IN, KY, MI, MN, MO, NC, SC, OH, and WI, restricted to the transportation of traffic originating at or destined to the above named facilities. (Hearing site: Milwaukee, WI, or Chicago, IL.)

MC 111812 (Sub-611F), filed January 29, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Rolph H. Jinks (same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from points in WI to points in the United States (except AK, HI, and WI), restricted to the transportation of traffic originating at points in Wisconsin. (Hearing site: Green Bay, WI.)

MC 113271 (Sub-49F), filed January 8, 1979. Applicant: CHEMICAL TRANSPORT, a corporation, P.O. Box 2644, Great Falls, MT 59403. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in bulk, between points in MT, on the one hand, and, on the other, points in WY. (Hearing site: Great Falls, MT.)

MC 113666 (Sub-146F), filed December 27, 1978. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Rd., Freeport, PA 16229. Representative: D. R. Smetanick (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *soy bean meal*, in bulk, in tank vehicles, from Louisville, KY, to Pearl River, NY. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 114273 (Sub-516F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel shot*, (except in bulk, in tank vehicles), from Cleveland and Toledo, OH, to Kansas City, KS, Keokuk, IA, St. Louis, MO, and those points in IL on and north or U.S. Hwy 36. CONDITION: The certificate to be issued shall be limited to two years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-518F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Pittsburgh Tube Co., at Monaca, PA, to Milan, East Moline, and Rock Island, IL, and points in IA, MN, NE, and SD. CONDITION: The certificate to be issued shall be limited to two years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-519F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal resins, tar resins, and petroleum resins*, (except commodities in bulk, in tank vehicles), from Neville Island, PA, to Kankakee, IL. CONDITION: The certificate to be issued shall be limited to two years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-520F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *rough iron castings*, from Sinking Spring, PA, to Lindsay, NE. CONDITION: The certificate to be issued shall be limited to two years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-521F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, (except in bulk, in tank vehicles), from Livonia, MI, to Milan, IL. CONDITION: The certificate to be issued shall be limited to 2 years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114273 (Sub-523F), filed January 8, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rock crushing equipment, shredders, conveyors, and screens*, and (2) *parts* for the commodities named in (1) above, from Cedar Rapids, IA, to points in IL, IN, OH, MI, KY, PA, NY, MD, NJ, VT, VA, and WV. CONDITION: The certificate to be issued shall be limited to two years from its date of issue, unless, prior to its expiration (but not less than 6 months prior to its expiration), applicant files a petition for permanent extension of the certificate. (Hearing site: Chicago, IL, or Washington, DC.)

MC 114457 (Sub-466F), filed December 26, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: Wayne W. Wilson, 150

East Gilman St., Madision, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *foodstuffs,* and (2) *materials, equipment, and supplies* used in the manufacture sale, and distribution of foodstuffs, (except commodities in bulk), between points in WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: St. Paul, MN, or Milwaukee, WI.)

MC 114457 (Sub-470F), filed December 22, 1978. Applicant: DART TRANSIT COMPANY, a corporation, 2102 University Ave., St. Paul, MN 55114. Representative: James H. Wills (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *such commodities* as are dealt in by home improvement centers, (except commodities in bulk), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between points in the United States (except AK and HI). (Hearing site: St. Paul, MN, or Fort Worth, TX.)

MC 114604 (Sub-64F), filed December 14, 1978. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft, Inc., at or near Lakeland, FL, to points in AL, GA, KY, LA, MS, NC, SC, TN, and VA. (Hearing site: Tampa, FL or Atlanta, GA.)

MC 114604 (Sub-65F), filed December 15, 1978. Applicant: CAUDELL TRANSPORT, INC., P.O. Drawer I, Forest Park, GA 30050. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., N.E., Atlanta, GA 30326. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting such commodities as are dealt in or used by grocery houses, (except commodities in bulk), between the facilities of Hudson Industries, Inc., at or near Brundidge and Troy, AL, on the one hand, and, on the other, those points in the United States in and east of ND, SD, KS, NE, OK, and TX. (Hearing site: Atlanta, GA or Birmingham, AL.)

MC 114632 (Sub-195F), filed January 31, 1979. Applicant: APPLE LINES, INC., P.O. Box 287, Madison, SD 57042. Representative: David E. Peterson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *Meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Huron Dressed Beef, Inc., at Huron, SD, to points in KY, MI, and OH, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing Site: Pierre, SD, or Omaha, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 115036 (Sub-27F), filed December 28, 1978. Applicant: VAN TASSEL, INC., 5th and Grand, Pittsburg, KS 66762. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *clay and clay products,* from Pittsburg, KS, to points in CA, CT, DE, ID, ME, MD, MA, MT, NV, NH, NJ, NC, OR, PA, RI, SC, UT, VT, VA, WA, WV, and DC, and (2) *jointing materials* used in the installation of clay products, from Pittsburg, KS, to points in AZ, AR, CA, CO, CT, DE, GA, ID, KS, KY, ME, MA, MI, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OK, OR, PA, RI, SC, SD, TX, UT, VT, VA, WA, WV, WY, and DC, under continuing contract(s) with W. S. Dickey Clay Manufacturing Company, of Pittsburg, KS. (Hearing site: Kansas City, MO.)

NOTE.—Dual operations are involved in this proceeding.

MC 115311 (Sub-326F), filed January 8, 1979. Applicant: J & M TRANSPORTATION CO. INC., P.O. Box 488, Milledgeville, GA 31061. Representative: Kim G. Meyer, P.O. Box 872, Atlanta, GA 30301. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry animal feed* (except in bulk), from Red Bay, AL and Tupelo, MS, to points in IL, IN, MO, MI, WI, VA, and OH. (Hearing site: Atlanta, GA.)

MC 115353 (Sub-33F), filed January 11, 1979. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a corporation, 342 Schuyler Avenue, Kearney, NJ 07032. Representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prestressed concrete panels* from Cranbury, NY, to points in MA, RI, CT, NY, NJ, PA, DE, MD, and DC, under continuing contract(s) with Johns Manville Structural Systems Corp., of Cranbury, NJ. (Hearing site: New York, NY.)

MC 115496 (Sub-112F), filed December 18, 1978. Applicant: LUMBER TRANSPORT, INC., P.O. Box 111, Cochran, GA 31014. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber and composition board,* from the facilities of MacMillan Bloedel Building Materials, at Ashtabula, OH, to points in AL, DE, FL, GA, IL, IN, KY, LA, MD, MS, NJ, NY, NC, PA, SC, TN, VA, and WV. (Hearing site: Atlanta, GA.)

MC 116254 (Sub-224F), filed December 13, 1978. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: Hampton M. Mills (Same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *aluminum rods,* from Columbia, TN, to those points in the United States in and east of MN, IA, MO, OK, and TX; (2) *aluminum plate and aluminum sheet,* from Hannibal and Omal, OH, Jackson, TN, and Madison, IL, to the destination in (1) above; (3) *aluminum rod and aluminum wire,* from Florence, AL, to the destinations, in (1) above; (4) *aluminum foil,* from Iuka, MS, and Jackson, TN, to points in the destinations in (1) above, (5) *aluminum extrusions aluminum pipe, and fittings,* from Madison, IL, Gulfport, MS, and Murphysboro, IL, to the destinations in (1) above; and (6) *materials, equipment, and supplies* used in the manufacture of the commodities in (1), (2), (3), (4), and (5) above, from those points in the United States in and east of MN, IA, MO, OK, and TX, to Columbia and Jackson, TN, Hannibal and Omal, OH, Florence, AL, Madison and Murphysboro, IL, and Gulfport and Iuka, MS. (Hearing site: Nashville, TN, or Washington, DC.)

MC 116544 (Sub-166F), filed December 14, 1978. Applicant: ALTRUK FREIGHT SYSTEMS, INC., A Missouri corporation, P.O. Box 10061, 1703 Embarcadero Road, Palo Alto, CA 94303. Representative: Kirk Wm. Horton (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs,* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrig-

eration, from the facilities of Kraft, Inc., at (a) New Ulm, MN, and (b) Champaign, IL, to points in CA, OR, and WA, restricted to the transportation of traffic originating at the named origins facilities and destined to the indicated destinations. (Hearing site: Chicago, IL.)

MC 116763 (Sub-471F), filed January 11, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Representative: Gary J. Jira (Same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by distributors and suppliers of brick, masonry and tile, (except paper and paper products, and commodities in bulk, in tank vehicles), from points in the United States (except AK, HI, and WI), to points in WI. (Hearing site: Chicago, IL.)

MC 116778 (Sub-2F), filed January 31, 1979. Applicant: FLOYD R. BEARD, P.O. Box 43, Denmark, SC 29042. Representative: Frank A. Graham, Jr., 707 Security Federal Building, Columbia, SC 29201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the facilities of Seaboard Coastline Railroad, at or near Orangeburg, SC, on the one hand, and, on the other, points in Bamberg County, SC, restricted to the transportation of traffic having a prior or subsequent movement by rail to foreign commerce service. (Hearing site: Columbia, SC, or Charlotte, NC.)

MC 117574 (Sub-328F), filed December 13, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *material-handling equipment, winches, compaction and road-making equipment, rollers, mobile cranes, and trailers (except those designed to be drawn by passenger automobiles), and* (2) *parts, attachments, and accessories* for the commodities in (1) above (except commodities in bulk), between the facilities of Hyster Company, at or near (a) Danville and Kewanee, IL, (b) Crawfordsville, IN, and (c) Berea, KY, on the one hand, and, on the other, points in CT, DE, IN, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, VT, VA, WV, and DC, restricted to the transportation of traffic originating at or destined to the named facilities. (Hearing site: Washington, DC, or Atlanta, GA.)

MC 117892 (Sub-5F), filed January 31, 1979. Applicant: THREE "I" TRUCK LINE, INC., 3906 Elm Street, Bettendorf, IA 52722. Representative: Edward G. Bazelon, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum*, from the facilities of Aluminum Company of America, at Riverdale, IA, to Adrian, Detroit, Dearborn, Battle Creek, Cadillac, Constantine, Deckerville, Lavonia, Lansing, Lincoln Park, Hazel Park, Madison Heights, Grand Blanc, Pontiac, Warren, Roseville, Flint, Troy, and Grosse Ile, MI. (Hearing site: Chicago, IL.)

MC 118959 (Sub-200F), filed February 1, 1979. Applicant: JERRY LIPPS, INC., a Florida Corporation, P.O. Drawer F, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt and salt products*, (except commodities in bulk), (1) from Avery Island, LA, to points in AL, AR, FL, GA, MS, NC, SC, and TN, and (2) from Cleveland, OH, to points in AL, AR, FL, GA, IL, IN, KY, MS, MO, NC, SC, and TN. (Hearing site: Chicago, IL, or Atlanta, GA.)

MC 118959 (Sub-201F), filed February 1, 1979. Applicant: JERRY LIPPS, INC., A Florida Corporation, P.O. Drawer F, Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bituminous fibre pipe*, from the facilities used by Bermico Company, at or near West Bend, WI, to points in the United States (except AK and HI). (Hearing site: Chicago, IL.)

MC 119493 (Sub-255F), filed January 10, 1979. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (Same as above). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and filters from the facilities of Quaker State Oil Refining Corp., in Warren County, MS, to those points in the United States in and east of ND, SD, NE, CO, OK, and TX (except ME, MA, NH, VT, RI, and CT), restricted to the transportation of traffic originating at the named origin facilities, and (2) the *commodities* named in (1) above, and *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to the origin facilities in (1) above, restricted to the transportation of traffic destined to the named facilities. (Hearing site: Pittsburgh, PA, or Chicago, IL.)

MC 120181 (Sub-14F), filed January 9, 1979. Applicant: MAIN LINE HAULING COMPANY, INC., P.O. Box C, St. Clair, MO 63077. Representative: William H. Schawn, 1730 M ST. NW., Suite 501, Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers*, from Memphis and Chattanooga, TN, to points in IN and NE; and (2) *materials and supplies* used in the manufacture and distribution of containers, from points in IN and NE, to Memphis, and Chattanooga, TN. (Hearing site: Memphis, TN.)

MC 120364 (Sub-17F), filed December 12, 1978. Applicant: A & B FREIGHT LINE, INC., 2800 Falund Street, Rockford, IL 61109. Representative: Robert M. Kaske (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Beloit, WI, on the one hand, and, on the other, Chicago, Des Plaines, Mt. Prospect, Arlington Heights, Elizabeth, Savanna, Mundelein, Round Lake, Woodbine, Apple River, Waukegan, Hanover, North Chicago, and Scales Mound, IL, and those points in that part of IL bounded by a line beginning at the IL-WI State line, and extending along IL Hwy 78 to junction IL Hwy 88, then along IL Hwy 88 to junction IL Hwy 92, then along IL Hwy 92 to junction U.S. Hwy 34 then along U.S. Hwy 34 to junction IL Hwy 59, then along IL Hwy 59 to junction IL Hwy 83, then along IL Hwy 83 to the IL-WI State line. (Hearing site: Washington, DC, or Chicago, IL.)

MC 120978 (Sub-24F), filed January 29, 1979. Applicant: REINHART MAYER, d.b.a. MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *agri-*

cultural implements and agricultural machinery, and (2) *attachments, accessories, and parts* for the commodities in (1) above, from Fargo, Wahpeton, and West Fargo, ND, to points in ID, MT, OR, and WA. (Hearing site: Fargo, ND.)

MC 121496 (Sub-16F), filed January 3, 1979. Applicant: CANGO CORPORATION, Suite 2900, 1100 Milam Bldg., Houston, TX 77002. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum products, vehicle body sealers, sound deadening compounds, and accoustical control products,* in bulk, in tank vehicles, from the facilities of Quaker State Oil Refining Corp., in Warren County, MS, to points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Washington, DC.)

MC 123872 (Sub-97F), filed January 30, 1979. Applicant: W & L MOTOR LINES, INC., P.O. Box 3467, Hickory, NC 28601. Representative: Allen E. Bowman (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture and furniture parts,* from points in Caldwell County, NC, to points in CA. NOTE: Dual operations are involved in this proceeding. (Hearing site: Charlotte, NC, or Washington, DC.)

MC 124078 (Sub-941F), filed February 1, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals,* in bulk, from Decatur, AL, to Savannah, GA, Jacksonville, FL, and Charleston, SC, restricted to the transportation of traffic having a subsequent movement by water. (Hearing site: St. Louis, MO.)

MC 124078 (Sub-942F), filed February 7, 1979. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. To operate as a *common carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *inedible oil,* in bulk, in tank vehicles, from Lake Worth, FL, to Jasper, AL, Alma, GA, New Orleans, LA, Fayetteville, NC, and Columbia, SC. (Hearing site: Jacksonville, FL.)

MC 124251 (Sub-55F), filed January 10, 1979. Applicant: JACK JORDAN, INC., P.O. Box 689, Dalton, GA 30720. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. To operate as a *common carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *chemicals,* in bulk, (1) from Bartow and Gordon Counties, GA, to those points in the United States in and east of MN, IA, MO, AR, and LA; and (2) from points in Gordon County, GA, to points in NE, OK, and TX. (Hearing site: Atlanta, GA.)

MC 124692 (Sub-264F), filed January 17, 1979. Applicant: SAMMONS TRUCKING, a corporation, P.O. Box 4347, Missoula, MT 59806. Representative: J. David Douglass (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *chimney flue liners,* from Denver, CO, to points in IA, KS, MT, NE, NM, OK, TX, UT, and WY. (Hearing site: Denver, CO.)

MC 124813 (Sub-194F), Filed January 11, 1979. Applicant: UMTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel articles,* (1) from Green Bay, WI, to points in IA, KS, MO, NE, ND, and SD, and (2) from Chicago, IL, to Green Bay, WI. (Hearing site: Milwaukee, WI, or Chicago, IL.)

NOTE.—Dual operations are involved.

MC 125433 (Sub-193F), filed January 10, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *knocked down prefabricated metal buildings,* and (2) *parts, components and accessories* used in the manufacture of the commodities in (1) above, from the facilities of Kirby Building Systems, at or near Spanish Fork, UT, to those points in the United States in and west of ND, SD, NE, KS, CO, and NM, (except UT, AK, and HI). (Hearing site: Salt Lake City, UT, or San Francisco, CA.)

MC 125433 (Sub-195F), filed January 11, 1979. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *paper and paper products,* from Burlington, IA, to Salt Lake City, UT, Denver, CO, Phoenix, AZ, El Paso, TX, Fresno and Los Angeles, CA, and Seattle, WA. (Hearing site: Chicago, IL, or Salt Lake City, UT.)

MC 126118(Sub-127F), filed February 5, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *Refelctive traffic control products* (except electric), and (2) *equipment, materials, and supplies* used in the manufacture, distribution and instalation of the commodities in (1) above (except commodities in bulk, in tank vehicles), from Marietta, GA, to points in AZ, CA, CO, ID, IL, IN, IA, KY, MI, NE, NV, NM, OH, OK, OR, TN, TX, UT, VA, WA, WV, and WI. (Hearing site: Atlanta, GA, or Lincoln, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 126118 (Sub-128F), filed February 5, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers,* and *accessories* for containers, and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities in (1) above, between Beatrice, NE, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Lincoln, NE.)

NOTE.—Dual operations are involved in this proceeding.

MC 127064 (Sub-9F), filed December 12, 1978. Applicant: E. J. PETER TRUCKING, INC., Route 2, Box 21, Athens, WI 54411. Representative: Robert S. Lee, 1000 First National Bank Building Minneapolis, MN 55402. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed and feed ingredients, soybean, grain and seed products and by-products,* (except commodities in bulk, in tank vehicles), from Red Wing, MN, to points in CO, IA, IL, KS, MO, NE, ND, SD, and WI, restricted to the transportation of traffic orginating at the facilities of Archer Daniels Midland Co., at Red Wing, MN. (Hearing site: St. Paul or Minneapolis, MN.)

MC 128246 (Sub-36F), filed December 27, 1978. Applicant: SOUTHWEST TRUCK SERVICE, a Corporation, P.O. Box AD, Watsonville, CA 95076. Representative: Michael P. Groom, 500 The Swenson Bldg., 777 N. 1st St., San Jose, CA 95112. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Swift & Company, at or near Clovis, NM, to points in CO, KS, OK, TX, and UT, under continuing contract(s) with Swift & Company, of Chicago, IL. (Hearing site: San Francisco, CA, or Chicago, IL.)

MC 128273 (Sub-330F), filed January 8, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials, equipment, and supplies* used in the manufacture and distribution of mining company products, (except commodities in bulk, in tank vehicles), from points in the United States (except AK, CO, and HI), to the facilities of Colorado Aggregate Co., Inc., at points in Costilla County, CO, restricted to the transportation of traffic originating at the named origins and destined to the named facilities. (Hearing site: Denver, CO, or Washington, DC.)

MC 128273 (Sub-331F), filed January 8, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *containers, container ends, and container closures*, (2) *commodities manufactured and distributed by manufacturers and distributors of containers*, in mixed loads with containers, and (3) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between points in the United States (except AK and HI). (Hearing site: none specified.)

MC 128273 (Sub-332F), filed January 8, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *petroleum, petroleum products, vehicle body sealer compounds, and sound deadener compounds*, (except commodities in bulk, in tank vehicles), and filters from points in Warren County, MS, to points in the United States (except AK and HI), and (2) the *commodities* named in (1) above, and *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), from points in AL, GA, IL, IN, KY, NY, OH, OK, PA, RI, SC, VA, and WV, to points in Warren County, MS, restricted in (1) and (2) above to the transportation of traffic originating at or destined to the facilities of Quaker State Oil Refining Corporation at points in Warren County, MS. (Hearing site: Pittsburgh, PA.)

MC 128273 (Sub-334F), filed January 9, 1979. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, KS 66701. Representative: Elden Corban (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers and converters of paper and paper products, (except commodities in bulk, in tank vehicles), (1) from the facilities of Hammermill Paper Company at Erie, PA, to points in FL, AL (except Selma), GA, SC, TN, and KY, (2) from the facilities of Hammermill Paper Company, at Lock Haven, PA, to points in FL, AL (except Mobile), GA, and SC, and (3) from the facilities of Hammermill Paper Company at Oswego, NY, to points in FL, MS, AL, GA, SC, TN, and KY, restricted in (1), (2), and (3) above to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: Pittsburgh, PA, or Washington, DC.)

MC 128279 (Sub-35F), filed February 2, 1979. Applicant: ARROW FREIGHTWAYS, INC., P.O. Box 25125, Albuquerque, NM 87125. Representative: Olif Q. Boyd (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal products, roofing, roofing products, and insulation materials* (except commodities in bulk) and (2) *supplies and equipment* for roofing, roofing products, and insulation materials, (except commodities in bulk), between points in AZ, CA, CO, NM, NV, OK, TX, and UT. (Hearing site: Albuquerque, NM, or Houston, TX.)

MC 128527 (Sub-129F), filed December 21, 1978. Applicant: MAY TRUCKING COMPANY, a corporation, P.O. Box 400, Payette, ID 83661. Representative: J. Michael Alexander, 136 Wynnewood Professional Bldg., Dallas, TX 75224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *salt*, from points in UT, to points in ID, MT, and WY, and points in Malheur County, OR. (Hearing site: Bosie, ID.)

MC 129032 (Sub-70F), filed January 5, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 So. 49th West Ave., Tulsa, OK 74107. Representative: David R. Worthington (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at or near (a) Albert Lea, MN, (b) Cedar Rapids, and Des Moines, IA, and (c) Marshall, MO, to points in CA, restricted to the transportation of traffic originating at the named facilities and destined to the named destinations. (Hearing site: Oklahoma City, OK, or St. Louis, MO.)

MC 133534 (Sub-14F), filed November 15, 1978. Applicant: ROBERT V. MARKT, 1409 Rifle Terrace, St. Joseph, MO 64503. Representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 N.W. 58th Street, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the facilities of MBPXL Corporation at or near Nebraska City, NE, to points in AR, IA, KS, MO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 133671 (Sub-8F), filed January 9, 1979. Applicant: MILLER BROS, CO., INC., Box EA, Hyrum, UT 84319. Representative: Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cheese, cheese products, and synthetic cheese*, from the facilities of L. D. Schreiber Cheese Company, Inc., at or near Logan, UT, to those points in CA on and south of a line beginning at the CA-NV State line and extending along Interstate Hwy 80 to junc-

tion CA Hyw 20, then over CA Hwy 20 to Fort Bragg, CA, under continuing contract(s) with L. D. Schreiber Cheese Company, Inc., of Green Bay, WI.

NOTE.—Dual operations are involved in this proceeding. (Hearing site: Washington, DC.)

MC 134182 (Sub-36F), filed January 19, 1979. Applicant: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Banquet Foods Corporation, at or near Carrollton, Macon, Marshall, and Moberly, MO, to points in IL, IN, KY, MI, and OH. (Hearing site: Kansas City or St. Louis, MO.)

MC 134286 (Sub-92F), filed December 20, 1978. Applicant: ILLINI EXPRESS, INC., A Nebraska Corporation, P.O. Box 1564, Sioux City, IA 51102. Representative: Julie Humbert (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen onion rings and frozen diced onions*, (except commodities in bulk), from the facilities of Platte Vally Foods, Inc., at or near Wahoo, NE, to points in CA. (Hearing site: Sioux City, IA, or Omaha, NE.)

NOTE.—The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C § 11343(a) [formerly Section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary.

MC 134552 (Sub-6F), filed January 29, 1979. Applicant: TRANSAMERICAN CARRIER CO., a Corporation, Route 1, Box 28, Winthrop, MN 55396. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fertilizer and fertilizer materials*, in bulk, from Mason City, IA, to points in MN, NE, ND, SD, and WI. (Hearing site: Omaha, NE.)

MC 134813 (Sub-5F), filed December 18, 1978. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *electrode conductors, metal, and metal articles* and (2) *parts, materials, and supplies* for the commodities named in (1) above, from Fort Smith, AR, to points in AL, AR, CO, IL, IN, IA, KS, KY, LA, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI, under continuing contract(s) with Leckenby Company, of Fort Smith, AR.

NOTE.—Dual operations are involved in this proceeding. (Hearing site: Tulsa, OK, or Fort Smith, AR.)

Mc 134813 (Sub-6F), filed December 18, 1978. Applicant: WESTERN CARTAGE, INC., 2921 Dawson Road, Tulsa, OK 74110. Representative: Michael R. Vanderburg, 5200 South Yale, Suite 400, Tulsa, OK 74135. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Good Manuacturing Company, at Tulsa, OK, to points in the United States (except AK and HI), under continuing contract(s) with Good Manufacturing Company, of Tulsa, OK. (Hearing site: Tulsa, OK.)

NOTE.—Dual operations are involved in this proceeding.

MC 135616 (Sub-19F), filed December 18, 1978. Applicant: PERRYSBURG TRUCKING CO., INC., 24298 Thompson Rd., Perrysburg, OH 43551. Representative: E. Stephen Heisley, 805 McLachlene Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *glass*, and (2) *materials , equipment, and supplies* used in the manufacture and distribution of glass, (except commodities in bulk), between the facilities of ASG Industries, Inc., at or near Kingsport and Greenland, TN, on the one hand, and, on the other, the facilities of Fourco Glass Company, in Harrison and Taylor Counties, WV, under continuing contract(s) with ASG Industries, Inc., of Kingsport, TN. (Hearing site: Washington, D.C., or Nashville, TN.)

MC 136343 (Sub-155F), filed January 10, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *plastic and plastic articles*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1) above, (except commodities in bulk), between the facilities of International Paper Company, at or near Hudson, NC, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic originating at the named facilities and destined to the indicated destinations. (Hearing site: New York, N.Y., or Washington, D.C.)

MC 136786 (Sub-146F), filed January 2, 1979. Applicant: ROBCO TRANSPORTATION, INC., a Minnesota corporation, 4333 Park Ave., Des Moines, IA 50321. Representative: William L. Libby, 7525 Mitchell Rd., Eden Prairie, MN 55344. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except in bulk), (1) from Paw Paw, MI, to points in AZ, AR, CA, DE, GA, IA, KS, KY, MD, MN, MO, NE, NV, MJ, NY, NC, OK, OR, PA, SC, TN, TX, UT, VA, WA, WV, and DC, and (2) from Franklin, ME and Middleport, NY, to points in AZ, AR, CA, DE, GA, IA, KS, KY, MD, MN, MO, NE, NV, NC, OK, OR, SC, TN, TX, UT, VA, WA, WV, and D.C., restricted in both (1) and (2) above to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Minneapolis, MN, or Des Moines, IA.)

MC 138018 (Sub-48F), filed February 1, 1979. Applicant: KODIAK REFRIGERATED LINES, INC., a Nebraska corporation, P.O. Box 1018, Denver, CO 80201. Representative: Joseph W. Harvey (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts*, and *articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk, in tank vehicles), from the facilities used by John Morrell & Co., at (a) Estherville and Sioux City, IA, and (b) Worthington, MN, to points in CA, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Chicago, IL, or Omaha, NE.)

MC 138104 (Sub-62F), filed December 7, 1978. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove St., Ft. Worth, TX 76106. Representative: Bernard H. English, 6270 Firth Rd., Ft. Worth, TX 76116. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction materials* (except commodities in bulk), from the facilities of the Celotex Corporation, at or near Marrero, LA, to points in AR, CO, OK, NM, and TX, and (2) *materials* used in the manufacture and distribution of the commodities in (1) above, from the destinations in (1) above to the origin facilities in (1) above. (Hearing site: Dallas or Ft. Worth, TX.)

MC 138126 (Sub-34F), filed December 28, 1978. Applicant: WILLIAMS REGRIGERATED EXPRESS, INC., P.O. Box 47, Federalsburg, MD 21632. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005. To operate a as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods*, from the facilities of Ore-Ida Foods, Inc., at Greenville, MI, to points in FL. (Hearing site: Washington, DC.)

MC 138157 (Sub-107F), filed December 20, 1978. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., dba SOUTHWEST MOTOR FREIGHT, a California corporation, 2931 South Market St., Chattanooga, TX 37410. Representative: Patrick E. Quinn, P.O. Box 9596, Chattanooga, TX 37412. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *wheels and parts for wheels*, from Benicia, CA, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Los Angeles, CA.)

NOTE.—Dual operations are involved in this proceeding.

MC 138253 (Sub-10F), filed January 11, 1979. Applicant: MONFORT TRANSPORTATION CO., a corporation, P.O. Box G, Greeley, CO 80631. Representative: David R. Parker, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 206 and 766, and *such other commodities* as are dealt in or used by restaurants and restaurant supply houses, (except commodities in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Monfort of Colorado, Inc., at San Angelo, TX, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Monfort of Colorado, Inc., of Greeley, CO. (Hearing site: Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 138253 (Sub-11F), filed January 11, 1979 Applicant: MONFORT TRANSPORTATION CO., a corporation, P.O. Box G, Greeley, CO 80631. Representative: David R. Parker, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting (1)(a) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 206 and 766, and (b) *such commodities* as are dealt in or used by restaurants and restaurant supply houses, (except the commodities in (1)(a) above and except commodities in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Monfort of Colorado, Inc., at Jacksonville, FL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Monfort of Colorado, Inc., of Greeley, CO. (Hearing site: Denver, CO.)

NOTE.—Dual operations are involved in this proceeding.

MC 138253 (Sub-12F), filed January 10, 1979 Applicant: MONFORT TRANSPORTATION CO., a corporation, P.O. Box G, Greeley, CO 80631. Representative: David R. Parker, 717 17th Street, Suite 2600, Denver, CO 80202. To operate as a *contract carrier*, by motor vehicle, in interstate and foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 206 and 766, and (b) *such commodities* as are dealt in or used by restaurants and restaurant supply houses, (except commodities in bulk, in tank vehicles), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Monfort of Colorado, Inc., at Grand Island, NE, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Monfort of Colorado, Inc., of Greeley, CO. (Hearing site: Denver, CO.)

NOTE.—Dual operations are involved in this proceeding.

MC 138383 (Sub-4F), filed December 6, 1978. Applicant: SAWYER CORPORATION, 3761 Wolf Road, Saginaw, MI 48605. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48993. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *scrap iron and scrap steel*, between the ports of entry on the International Boundary line between the United States and Canada, located at Detroit and Port Huron, MI, on the one hand, and, on the other, points in MI. (Hearing site: Lansing or Saginaw, MI.)

MC 138627 (Sub-45F), filed December 21, 1978. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pre-cut log buildings*, knocked down, (2) *accessories and fixtures* for pre-cut log buildings, and (3) *materials and supplies* used in the construction and erection of log buildings, from Claremore, OK, Chadron, NE, and Brainerd, MN, to points in AR, IL, IN, IA, KS, KY, MN, MO, NE, ND, OH, SD, TN, and WI. (Hearing site: Omaha, NE.)

MC 138627 (Sub-49F), filed December 26, 1978. Applicant: SMITHWAY MOTOR EXPRESS INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Rd., Omaha, NE 68106. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *grain storage equipment, and grain handling equipment*, (2) *parts and accessories* for the commodities in (1) above, (3) *metal buildings*, and (4) *materials, equipment and supplies* used in the manufacture of the commodities in (1), (2), and (3) above, between Grand Island, York, and Elm Creek, NE, Bluffton and Crawfordsville, IN, Webster City, IA, Greenville, MS, Middletown, PA, Saginaw, MI, and Oklahoma City, OK, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Des Moines, IA, or Omaha, NE.)

MC 138882 (Sub-220F), filed January 30, 1979. Applicant: WILEY SANDERS TRUCK LINES, INC., P.O. Box 707, Troy, AL 36081. Representative: James W. Segrest (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *laminated veneer*, from the facilities of Trus Joist Corporation, at Junction City, Portland, and Eugene, OR, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Portland, OR, or Montgomery, AL.)

MC 138902 (Sub-11F), filed January 19, 1979. Applicant: ERB TRANSPORTATION CO., INC., P.O. Box 65, Crozet, VA 22932. Representative: Harry C. Ames, Jr., 805 McLachlen Bank Building, 666 Eleventh Street,

N.W., Washington, DC 20001. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foods* (except commodities in bulk, in tank vehicles), (1) from points in Cumberland County, NJ, to those points in PA on and west of U.S. Hwy 219, and points in AR, GA, IL, IN, IA, KS, KY, MI, MO, NC, OH, SC, TN, VA, and WV, and (2) from Grand Rapids, Hart, and Lake Odessa, MI, to points in AR, GA, IL, IN, IA, KS, KY, MO, NJ, NC, OH, PA, SC, TN, VA, and WV. (Hearing site: Washington, DC.)

MC 139276 (Sub-5F), filed January 3, 1979. Applicant: ALOHA FREIGHTWAYS, INC., 1069 Bryn Mawr Ave., Bensenville, IL 60106. Representative: Donald S. Mullins, 4704 W. Irving Park Rd., Chicago, IL 60641. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *steel sheet*, from the facilities of Pre-Finish Metals, Inc., at or near Elk Grove Village, IL, to Indianapolis and North Vernon, IN, under continuing contract(s) with Pre-Finish Metals, Inc., of Elk Grove Village, IL, and Bethlehem Steel Corp., of Chicago, IL. (Hearing site: Chicago, IL.)

MC 139482 (Sub-87F), filed January 19, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of American Original Corp., at or near Cannon, DE, to points in IL, IN, IA, KY, MI, MN, MO, OH, and WI. (Hearing site: New York, NY.)

MC 139587 (Sub-13F), filed December 19, 1978. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 603, Fort Scott, KS 66701. Representative: Wilburn L. Williamson, Suite 615-E, The Oil Center 2601 N.W. Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rails, cots, unupholstered day beds, frames, springs, spring assemblies, and metal sleeper fixtures*, and (2) *materials* used in the manufacture of the commodities in (1) above, (a) between points in TX, on the one hand and, on the other, points in CA, KY, and MS, (b) from points in TX, to points in AL, AR, LA, NV, and TN, (c) from Carthage, MO, to Independence, LA, (d) from Grafton, WI, to Dallas, TX, (e) from Simpsonville, KY, to Los Angeles, CA, and (f) from Hominy, OK and Carthage and Springfield, MO, to points in Ca. (Hearing site: Kansas City, MO.)

NOTE.—Dual operations are involved, in this proceeding.

MC 140033 (Sub-80F), filed January 8, 1979. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, from the facilities of Leaf Confectionery, Inc., at or near Chicago, IL, to points in RI, MA, MD, NY, NJ, PA, OH, CT, WV, VA, and DC. (Hearing site: Dallas, TX.)

NOTE.—Dual operations are involved in this proceeding.

MC 140166 (Sub-8F), filed December 19, 1978. Applicant: JOHN B. McNABB, d.b.a., McNABB FARMS, P.O. Box 4366, Pocatello, ID 83201. Representative: Dennis M. Olsen, 485 "E" St., Idaho Falls, ID 83401. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *animal and poultry feed and animal and poultry feed ingredients*, between Pocatello, ID, and Wheatland, Big Horn, Golden Valley, Musselshell, Treasure, Yellowstone, Stillwater, and Sweet Grass, MT. (Hearing site: Boise, ID, or Salt Lake City, UT.)

MC 140172 (Sub-4F), filed January 29, 1979. Applicant: ED DAVENPORT, INC., P.O. Box 907, Brady, TX 76825. Representative: Billy R. Reid, P.O. Box 8335, Forth Worth, TX 76112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *silica sand*, from points in OK, to points in TX. (Hearing site: Dallas or San Antonio, TX.)

MC 140447 (Sub-2F), filed November 29, 1978. Applicant: BOYCE HOWARD, d.b.a. BOYCE HOWARD TRUCKING, Highway 67, Newport, AR 72112. Representative: Thomas J. Presson, P.O. Box 71, Lot 27 River Bend Estates, Redfield, AR 72132. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coal*, in bulk, in dump vehicles, (a) from points in Johnson, Sebastian, Pope, and Franklin Counties, AR to points in IL, KS, LA, MO, MS, OK, and TN, (b) from the origin points in (a) above, to points in AR, restricted to the transportation of traffic having a subsequent movement by water, and (c) from points in IL, MO, OK, and TN, to points in AR. (Hearing site: Little Rock, AR, or Memphis, TN.)

MC 140484 (Sub-35F), filed November 29, 1978. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Avenue, P.O. Box 69, Fort Myers, FL 33902. Representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street, NW., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *motors, generators, controllers, power transmission equipment, power transmission machinery, and scales* (except commodities the transportation of which because of size or weight requires the use of special equipment), and (2) *parts and accessories* for the commodities in (1) above (except commodities the transportation of which because of size or weight requires the use of special equipment), from the facilities of Reliance Electric Co., at Lawrenceburg, KY, to points in MO, KS, and NV. (Hearing site: Lexington, KY, or Washington, DC.)

MC 141533 (Sub-8F), filed November 28, 1978. Applicant: LYN TRANSPORT, INC., 37 North Central Avenue, Elmsford, NY 10532. Representative: Bruce J. Robbins, 118-21 Queens Blvd., Forest Hills, NY 11375. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Cliffstar Corporation, at or near Dunkirk, NY, to New York, NY, points in Suffolk County, NY, and points in CT, ME, MA, NH, RI, and VT. (Hearing site: New York, NY.)

MC 142364 (Sub-5F), filed December 12, 1978. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, 2802 Kibler Road, Van Buren, AR 72956. Representative: Don A. Smith, P.O. Box 43, 510 North Greenwood, Fort Smith, AR 72902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *unfrozen foodstuffs*, in containers, from the facilities of Pet Incorporated and Ozark Terminal, Inc., at or near Neosho, MO, to Memphis, TN, and points in AR, LA, MS, OK, and TX. (Hearing site: St. Louis, MO.)

MC 142864 (Sub-4F), filed December 13, 1978. Applicant: RAY E. BROWN TRUCKING CO. INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad Street, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *charcoal briquettes, boxed fireplace coal, fireplace logs, and fuel lighting liquids*, from Sebring, Canton, and Alliance, OH, Paris and Cotter, AR, Louisville, KY, Salem, MO, and Princeton, NJ, to points in AR, CT,

FL, GA, IL, IN, MA, MO, MI, NJ, NY, NC, OH, PA, SC, VA, WV, and WI. (Hearing site: Columbus, OH, or Washington, DC.)

MC 143436 (Sub-24F), filed December 27, 1978. Applicant: CONTROLLED TEMPERATURE TRANSIT, INC., 9049 Stonegate Rd., Indianapolis, IN 46227. Representative: Stephen M. Gentry, 1500 Main St., Speedway, IN 46224. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Indianapolis, IN and Chicago, IL, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Indianapolis, IN.)

MC 14378 (Sub-6F), filed February 1, 1979. Applicant: G. P. THOMPSON ENTERPRISES, INC., P.O. Box 146, Midway, AL 36053. Representative: Terry P. Wilson, 420 South Lawrence Street, Montgomery, AL 36104. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *glassware and cartons*, from Vienna, WV, to points in AL, FL, GA, LA, MS, and TN, under continuing contract(s) with Brockway Glass Company, Inc., of Brockway, PA. (Hearing site: Pittsburgh, PA.)

Note.—Dual operations are involved in this proceeding.

MC 143552 (Sub-10F), filed February 1, 1979. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield St., Caldwell, NJ 07006. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from the facilities of the Paramount Macaroni Co., at or near Deer Park, NY, to Bridgeport, CT, Chicago, West Chicago, and Galesburg, IL, Buffalo, NY, Fostoria, OH, Mechanicsburg, PA, Chattanooga, TN, and Dallas, TX, under continuing contract(s) with Paramount Macaroni Co., of Deer Park, Long Island, NY. (Hearing site: New York, NY, or Washington, DC.)

MC 143691 (Sub-18F), filed January 10, 1979. Applicant: PONY EXPRESS COURIER CORPORATION, P.O. BOX 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *such commercial papers, documents, and written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Lincoln, NE, on the one hand, and, on the other, points in Woodbury, Ida, Sac, Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, IA, under continuing contract(s) with banks and banking institutions. (Hearing site: Lincoln, NE.)

Note.—Dual operations are involved in this proceeding.

MC 143698 (Sub-1F), filed January 29, 1979. Applicant: CAST NORTH AMERICA, LTD., 4150 Ste-Catharine Street West, Montreal, Quebec, Canada H3Z 2R8. Represenative: Richard H. Streeter, 1729 H Steet, NW, Washington, DC 20006. To operate as a *contract carrier*, by motor vehicle, in foreign commerce only, over irregular routes, transporting *general commodities* (except articles of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), in containers or in trailers, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MO, and WI, restricted to the transportation of traffic having a prior or subsequent movement by water. (Hearing site: Chicago, IL, or Washington, DC.)

MC 144051 (Sub-5F), filed January 8, 1979. Applicant: ALFORD-LOGSTON, INC., 1714 Tabor, Houston, TX 77009. Representative: Michael Connelly, Esperson Buildings, Houston, TX 77002. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *home care products*, from Memphis, TN, to points in Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans (except New Orleans), Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, and West Feliciana Parishes, LA, under continuing contract(s) with Stanley Home Products, Inc., of Westfield, MA. (Hearing site: Houston or Fort Worth, TX.)

MC 144188 (Sub-2F), filed January 9, 1979. Applicant: P. L. LAWTON, INC., P.O. Box 325, Berwick, PA 18603. Representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, PA 17108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *clay* (except in bulk), from the facilities of Waverly Mineral Products Company, at Quality, GA, to points in CT, DE, MD, NJ, NY, PA, VA, and DC. (Hearing site: Washington, DC.)

Note.—Dual operations are involved in this proceeding.

MC 144303 (Sub-2F), filed January 10, 1979. Applicant: YOUNGBLOOD TRUCK LINES, INC., P.O. Box 1048, Fletcher, NC 28732. Representative: Charles Ephraim, Suite 600, 1250 Connecticut Avenue, N.W., Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum and zinc ingots*, from Maple Heights, OH, to points in AL, GA, KY, NC, SC, and SC, under continuing contract(s) with Aluminum Smelting and Refining Co., and Certified Alloys, Inc., both of Maple Heights, OH. (Hearing site: Washington, DC.)

NOTE.—Dual operations are involved in this proceeding.

MC 144356 (Sub-1F), filed January 2, 1979. Applicant: E & S TRANSPORTATION CO., INC., P.O. Box 1892, North Wilkesboro, NC 28659. Representative: Charlotte S. Bennett, P.O. Box 889, Wilkesboro, NC 28697. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *new furniture*, between Athens, TN, on the one hand, and, on the other, points in CA, CO, ID, KS, MT, NV, OK, OR, UT, WA, and WY. (Hearing site: Charlotte or Raleigh, NC.)

MC 144428 (Sub-5F), filed February 2, 1979. Applicant: TRUCKADYNE, INC., a Delaware corporation, Route 16, Mendon, MA 01756. Representative: Peter A. North (same address as applicant). To operate a as *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *confectionery* (except commodities in bulk), and (2) *materials* used in the manufacture of confectionery between the facilities of Nabisco Confections, Inc., at (a) Cambridge and Mansfield, MA, and (b) Ashton, RI, on the one hand, and, on the other, points in CA, CO, FL, GA, IL, MI, NY, NC, OR, PA, TN, TX, UT, and VA, under continuing contract(s) above with Nabisco Confections, Inc., of Cambridge, MA. (Hearing site: Springfield or Boston, MA.)

MC 144436 (Sub-4F), filed December 18, 1978. Applicant: JOHN PRINCE TRANSPORTATION, INC., P.O. Box 440, Forsyth, MT 59327. Representative: Jerome Anderson, 100 Transwestern Bldg., Billings, MT 59101. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *brick, building block, sewer tile, and clay products*, from Billings and Lewistown, MT, to points in CA,

under continuing contract(s) with The Lovell Clay Products Co., of Billings, MT. (Hearing site: Billings or Helena, MT.)

MC 144452 (Sub-7F), filed Janury 24, 1979. Applicant: ARLEN LINDQUIST, d.b.a. ARLEN E. LINDQUIST TRUCKING, 3242 Old Highway 8, Minneapolis, MN 55415. Representative: James B. Hovland, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum and petroleum products,* in containers, from St. Louis, MO, to points in CO. (Hearing site: Minneapolis-St. Paul, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC 144733 (Sub-1F), filed January 8, 1979. Applicant: RAY ROUTH & SONS, INC., Rural Route 2, 105, New Richland, MN 56072. Representative: James T. Flescher, 1745 University Avenue, St. Paul, MN 55104. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry animal feed and dry poultry feed,* from the facilities of Cargill, Inc., Nutrena Feed Division, at New Richland, MN, to points in IA, SD, WI, and the Upper Peninsula of MI. (Hearing site: St. Paul or Minneapolis, MN.)

MC 144748 (Sub-1F), filed January 10, 1979. Applicant: MICHAEL KOHUTICH and DOROTHY KOHUTICH, a partnership, d.b.a. MICKEY'S MOVING, 7 Yolanda Drive, Little Falls, NJ 07424. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *dining room sets, rockers, bar stools, and benches,* from Clifton, NJ, to points in CT, DE, MD, NY, PA, VA, and DC; and (2) *materials and supplies* used in the manufacture and sale of the commodities in (1) above, from the destination States in (1) above, to Clifton, NJ, all of the service in (1) and (2) above to be performed under continuing contract(s) with S. K. Products Corp., of Atlanta, GA. (Hearing site: Newark, NJ.)

NOTE.—Dual operations are involved in this proceeding.

MC 144798 (Sub-4F), filed February 2, 1979. Applicant: JAMES W. BERG and JOHN W. BERG, a partnership, d.b.a. DUTCH LINE, 2120 Harbor Street, Pittsburg, CA 94565. Representative: Raymond A. Greene, Jr., 100 Pine Street, Suite 2550, San Francisco, CA 94111. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *liquid paraffin wax,* in bulk, in tank vehicles, between Richmond, CA, and Scappoose, OR, under continuing contract(s) with Neu-Glo Candles, Incorporated, of Scappoose, OR. (Hearing site: San Francisco, CA.)

MC 144816 (Sub-1F), filed December 27, 1978. Applicant: FLOYD G. HARPER, doing business as PARCEL DELIVERY SERVICE, 9 Mullin St., Cumberland, MD 21502. Representative: Martin B. Lessans, 206 Baltimore-Annapolis Blvd. NW., Glen Burnie, MD 21061. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by cosmetic manufacturers, between Newark, DE, on the one hand, and, on the other, points in Allegany, Garrett, and Washington Counties, MD, Bedford, Fulton, Somerset, Blair, Huntingdon, Mifflin, and Juaniata Counties, PA, Clarke, Frederick, Page, Shenandoah, and Warren Counties, VA, and Barbour, Berkeley, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hardy, Harrison, Jefferson, Lewis, Marion, Mineral, Monongalia, Morgan, Pendleton, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Upshur, Wirt, and Wood Counties, WV, under continuing contract(s) with Avon Products, Incorporated, of New York, NY. (Hearing site: Baltimore, MD, or Washington, DC.)

MC 145096 (Sub-2F), filed January 4, 1979. Applicant: LIBERTY WASTE CARRIERS, INC., P.O. Box 3370, Baytown, TX 77520. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *dry plastic waste and dry plastic scrap,* in bulk, between points in LA and TX. (Hearing site: Houston or Dallas, TX.)

MC 145102 (Sub-9F), filed January 17, 1979. Applicant: FREYMILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Mark C. Ellison, 1200 Gas Light Tower, 235 Peachtree Street, N.E., Atlanta, GA 30303. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, at (a) Albert Lea, MN, (b) Cedar Rapids, Cherokee, and Des Moines, IA, (c) Logansport, IN, (d) Monmouth, and Peioria, IL, and (e) Marshall, MO, to points in CA, restricted to the transportation of traffic originating at the named origin facilities and destined to the named destinations. (Hearing site: Oklahoma City, OK, or St. Paul, MN.)

NOTE.—Dual operations are involved in this proceeding.

MC 145158 (Sub-1F), filed January 29, 1979. Applicant: REX L. AUSTIN, d.b.a. REX TRANSPORT, 598 Hermes Avenue, Encinitas, CA 92024. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *trailers designed to be drawn by passenger automobiles,* and (2) *buildings,* in sections, between points in AZ, CA, and NV. (Hearing site: Los Angeles, CA.)

MC 145581 (Sub-1F), filed January 9, 1979. Applicant: HAROLD L. HOOD, R.R. #1, Rushville, IL 62681. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *feed* and *feed ingredients,* between Beardstown, IL, on the one hand, and, on the other, points in IN, IA, and MO, under continuing contract(s) with Kent Feeds, Inc., of Muscatine, IA. (Hearing site: St. Louis, MO.)

MC 145671 (Sub-2F), filed January 5, 1979. Applicant: TAYLOR BROTHERS WHOLESALE DISTRIBUTION, a corporation, 246 South Robson, Mesa, AZ 85202. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003. To operate as a *contract carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *prepared foods,* from Mesa, AZ, to Los Angeles, CA, under continuing contract(s) with Rosarita Mexican Foods, of Mesa, AZ. (Hearing site: Phoenix, AZ.)

MC 145804F, filed November 29, 1978. Applicant: WILLIAM T. SMEESTER d.b.a. UPPER PENINSULA, SPECIAL DELIVERY SERVICE, Box 207, Iron Mountain, MI 49801. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703. To operate as a *common carrier,* by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products, (except commodities in bulk and those the transportation of which required because of size of weight the use of special equipment), between the facilities of Niagara of Wisconsin Paper Corporation, at Niagara, WI, on the one hand, and, on the other, points in IL, IN, MI, MN,

OH, and WI; and (2) *machinery parts and machinery supplies*, (except commodities the transportation of which because of size or weight requires the use of special equipment), between the facilities of W. B. Thompson Company, at Iron Mountain, MI, on the one hand, and, on the other, points in IL, IN, MI, MN, OH, and WI. (Hearing site: Iron Mountain, MI, or Green Bay, WI.)

MC 145924F, filed December 7, 1978. Applicant: L. E. CARLSON SCRAP IRON AND METAL, INC., P.O. Box 603, 1525 Factory Street, Boone, IA 50036. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (*1*) *concrete pipe form equipment and metal castings*, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above, between Boone, IA, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with Quinn Machinery Division of Zeidlers, Inc., of Boone, IA. (Hearing site: Des Moines, IA, or St. Paul, MN.)

MC 145987F, filed December 22, 1978. Applicant: INTER-CITY EXPRESS, LTD., 2655 Dollarton Highway, North Vancouver, British, Columbia, Canada V7H 1B1. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, between those ports of entry on the International Boundary line, located at or near Blaine, Lynden, and Sumas, WA, on the one hand, and, on the other, points in OR and WA, under continuing contract(s) with Van Waters & Rogers, Ltd., of British Columbia, Canada. (Hearing site: Seattle, WA.)

MC 146027F, filed December 26, 1978. Applicant: HAROLD H. HORNING, d.b.a. HORNING TRUCKING COMPANY, 4042 Waterloo Rd., Randolph, OH 44265. Representative: Jerry B. Sellman, 50 W. Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *charcoal briquettes, boxed fireplace coal, fireplace logs, and fuel lighting liquids*, from Sebring, Canton, and Alliance, OH, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), from the destinations in (1) above, to the origins in (1) above, (3) *charcoal briquettes*, from Paris and Cotter, AR, and Salem, MO, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, (4) *fireplace coal*, in boxes, from Louisville, KY, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX, and (5) *fuel lighting liquids*, from Princeton, NJ, to those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Columbus, OH, or Washington, DC.)

MC 146038 (Sub-1F), filed February 1, 1979. Applicant: QUICK SILVER, INC., Box 213, Liberty, MO 64068. Representative: Tom B. Kretsinger, 20 East Franklin, Liberty, MO 64068. To operate as *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *meats, meat products and meat byproducts, dairy products, and articles distributed by meat-packing houses*, as described in sections A, B, and C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), and (2) *such commodities* as are dealt in by grocery and food business houses, (except the commodities in (1) above), (a) from Wichita and Hutchinson, KS, to Kansas City, KS, and points in MO, (b) from St. Joseph, MO, to Kansas City and St. Louis, MO, and points in KS, (c) between St. Louis and Kansas City, MO, on the one hand, and, on the other, points in MO and KS, (d) between Carthage and Monett, MO, on the one hand, and, on the other, St. Louis, and Kansas City, MO, and points in KS, and (e) between Macon, Moberly, Carrollton, and Marshall, MO, on the one hand, and, on the other, Kansas City, MO, and points in KS. (Hearing site: Kansas City, MO.)

MC 146051F, filed January 10, 1979. Applicant: WITTENBURG TRUCK LINE, INC., P.O. Box 98, Readlyn, IA 50668. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, between Grand Rapids, MI, Marengo, IL, and points in Cook County, IL, on the one hand, and, on the other, points in the United States (except AK and HI), under continuing contract(s) with American United Steel Corp., of North Brook, IL. (Hearing site: Chicago, IL.)

NOTE.—Dual operations are involved in this proceeding.

MC 146171F, filed January 10, 1979. Applicant: SEFCO PRODUCTS, INC., 15 Upland Way, P.O. Box 187, Haddonfield, NJ 08033. Representative: Samuel F. Fabian (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *office equipment* and *office supplies*, between points in NJ, DE, and PA, under continuing contract(s) with 3M Business Products Sales, Inc., of Pennsauken, NJ. (Hearing site: Philadelphia, PA.)

MC 146181F, filed January 9, 1979. Applicant: NORTHEAST TRANSPORT COMPANY, Division of MS Industries, Inc., P.O. Box 1252, Secaucus, NJ 07094. Representative: Rick A. Rude, 1730 Rhode Island Ave. NW., Suite 801, Washington, DC 20036. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by manufacturers and distributors of printed matter, paper, and paper products, between East Greenville, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NJ, NH, NY, PA, RI, VT, VA, WV, and DC, under continuing contract(s) with Brown Printing Company, Inc., of Waseca, MN. (Hearing site: Minneapolis, MN, or Newark, NJ.)

MC 146274F, filed December 11, 1978. Applicant: JACKSON TRANSPORTATION, INC., R.R. 1, Box 410A, Clayton, IN 46118. Representative: Donald W. Smith, Suite 945, 9000 N. Keystone Crossing, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *printed matter*, from the facilities of R. R. Donnelley & Sons Company, Inc., at Crawfordsville, IN, to Corinth, MS, Kirkwood, NY, Wichita and Topeka, KS, and points in CA, WA, OR, AR, CO and UT, under continuing contract(s) with R. R. Donnelley & Sons and Company, Inc., of Crawfordsville, IN. (Hearing site: Indianapolis, IN.)

MC 123178 (Sub-8F), filed February 13, 1979. Applicant: COLUMBIA COACHWAYS, INC., P.O. Box 569, St. Helens, OR 97051. Representative: David C. White, 2400 S.W. Fourth Avenue, Portland, OR 97201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicles with passengers, in charter operations, from points in OR and WA, to the ports of entry on the international boundary line between the United States and the Republic of Mexico, located in CA. (Hearing site: Portland, OR.)

[FR Doc. 79-9096 Filed 3-26-79; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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[6320-01-M]

1

[M-206; Mar. 23, 1979]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 1:30 p.m., April 2, 1979.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Oral Argument—Docket 34965: Direct Sale of Charter Air Transportation.

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-595-79 Filed 3-23-79; 3:14 pm]

[6740-02-M]

2

MARCH 21, 1979.

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10 a.m., March 28, 1979.

PLACE: 825 North Capitol Street NE., Washington, D.C. 20426, Room 9306.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone (202) 275-4166.

This is a list of the matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

POWER AGENDA—251ST MEETING, MARCH 28, 1979, REGULAR MEETING (10 A.M.)

CAP-1. Docket No. ER79-169 and ER79-170, Pennsylvania-New Jersey-Maryland interconnection.
CAP-2. Docket No. ER79-196, Idaho Power Co.
CAP-3. Docket No. ER78-1, Kansas Power & Light Co.
CAP-4. Docket No. ER76-495 (phase II), Carolina Power & Light Co.
CAP-5. Docket Nos. ER76-304, et al., New England Power Co.

GAS AGENDA—251ST MEETING, MARCH 28, 1979, REGULAR MEETING

CAG-1. Docket Nos. RP79-22 and RP 78-52, Consolidated Gas Supply Corp.
CAG-2. Docket No. RP72-115 (PGA No. 79-1), Oklahoma Natural Gas Gathering Corp.
CAG-3. Docket No. RP74-41 (PGA No. 79-2A), Texas Eastern Transmission Corp.
CAG-4. Docket Nos. RP74-61 (PGA 79-1) and RP 76-10 (PGA 79-1), Arkansas Louisiana Gas Co.
CAG-5. Docket No. RP79-50, Algonquin Gas Transmission Co.
CAG-6. Docket No. RP79-30, United Gas Pipe Line Co.
CAG-7. Docket No. RP79-51, Algonquin Gas Transmission Corp.
CAG-8. Docket No. RP79-42, Columbia Gas Transmission Corp. Docket No. RP79-47, Consolidated Gas Supply Corp. Docket No. RP79-37, El Paso Natural Gas Co. Docket No. RP79-35, Florida Gas Transmission Co. Docket No. RP79-43, Michigan Wisconsin Pipe Line Co. Docket No. RP79-23, Mid Louisiana Gas Co. Docket No. RP79-38, Natural Gas Pipeline Co. of America. Docket No. RP79-41, Northern Natural Gas Co. Docket No. RP79-34, Panhandle Eastern Pipe Line Co. Docket No. RP79-45, Sea Robin Pipeline Co. Docket No. RP79-48, Southern Natural Gas Co. Docket No. RP79-52, Tennessee Gas Pipeline (Division of Tenneco Inc. Docket No. RP79-40, Texas Eastern Transmission Corp. Docket No. RP79-31, Texas Gas Transmission Corp. Docket No. RP79-33, Trunkline Gas Co. Docket No. RP79-46, Transcontinental Gas Pipe Line Corp. Docket No. RP79-44, United Gas Pipe Line Co. Docket No. RP79-53 and RP 79-54, Arkansas Louisiana Gas Co.
CAG-9. Docket No. RP73-14, (PGA No. 78-3 and DCA No. 78-2). Michigan Wisconsin Pipe Line Co.
CAG-10. Docket No. RP77-60, Michigan Wisconsin Pipe Line Co.
CAG-11. Docket Nos. RP75-30, RP74-20 and RP74-83, United Gas Pipe Line Co.
CAG-12. Docket Nos. CI76-633 and CI76-644, Tenneco Exploration, LTD.
CAG-13. Docket Nos. CS73-273, et al., John G. Arnold, Trustee, et al.
CAG-14. Docket Nos. CS66-56, et al., Penrose—Zachery Operating Co.
CAG-15. Docket Nos. CS66-74, et al., Magdalene C. Hammonds, et al.
CAG-16. Docket Nos. CS66-5, et al., Estate of Scott B. Appleby, Deceased, W. O. Anderson and Demova K. Frost.
CAG-17. Valley Gas Transmission, Inc.
CAG-18. Docket Nos. CP75-17 and CP75-277, Transwestern Pipeline Co.
CAG-19. Docket No. CP79-149, Transcontinental Gas Pipe Line Corp.
CAG-20. Docket No. G-19618, Valley Gas Transmission, Inc.
CAG-21. Docket No. CP79-3, Transcontinental Gas Pipe Line Corp. and Michigan Wisconsin Pipe Line Co.
CAG-22. Docket No. CP79-83, Carnegie Natural Gas Co. and Equitable Gas Co.
CAG-23. Docket Nos. CP78-546, CP78-547 and CP77-263, Northwest Pipeline Corp. Docket No. CP77-625, RMNG Gathering Co.
CAG-24. Docket No. CP78-467, Columbia Gas Transmission Corp. Docket No. CP79-14, Texas Eastern Transmission Corp. and Consolidated Gas Supply Corp.
CAG-25. Docket No. CP79-129, Michigan Wisconsin Pipe Line Co.
CAG-26. Docket No. CP76-255, Michigan Wisconsin Pipe Line Co. Docket No. CP76-254, Michigan Consolidated Gas Co. Docket No. CP76-271, Northern Natural Gas Co. Docket No. CP76-325, Natural Gas Pipeline Co. of America. Docket No. CP76-353, Natural Gas Pipeline Co. of America.
CAG-27. Docket No. CP79-127, Northwest Pipeline Corp.
CAG-28. Docket No. G-8110, Piedmont Natural Gas Co. Docket No. CP79-38 and CP79-39, Transcontinental Gas Pipe Line Corp. Docket No. CP79-40, Southern Natural Gas Co. Docket No. CP79-41, Carolina Pipe Line Co.
CAG-29. Docket No. CP79-66, United Gas Pipe Line Co.
CAG-30. Docket No. CP79-34, South Texas Natural Gas Gathering Co. and Coastal States Gas Producing Co.

MISCELLANEOUS AGENDA—251ST MEETING, MARCH 28, 1979, REGULAR MEETING

CAM-1. Docket No. RA79-3, Texaco Inc.

POWER AGENDA—251ST MEETING, MARCH 28, 1979, REGULAR MEETING

I. ELECTRIC RATE MATTERS

ER-1. Docket No. ER79-21, Missouri Utilities Co.
ER-2. Docket No. ER79-195, Florida Power Corp.
ER-3. Docket No. ER79-121, Utah Power & Light Co.
ER-4. Docket No. ER79-182, Commonwealth Edison Co.

ER-5. Docket No. ER79-197, Ohio Edison Co.
ER-6. Docket No. ER78-304, Boston Edison Co.

GAS AGENDA—251ST MEETING, MARCH 28, 1979, REGULAR MEETING

I. PIPELINE RATE MATTERS

RP-1. Docket No. RP72-122 and RP79-1, Colorado Interstate Gas Co.
RP-2. Docket No. RP72-155 and RP78-18 (PGA No. 79-1 and AP No. 79-1), El Paso Natural Gas Co.
RP-3. Docket No. RP79-39. Michigan Wisconsin Pipeline Co.

II. PIPELINE CERTIFICATE MATTERS

CP-1. Docket No. CP79-130, Cortez Pipeline Co.
CP-2. Docket No. CP79-200, Natural Gas Pipeline Co. of America.
CP-3. Docket Nos. CP75-140, et al., Pacific Alaska LNG Co, et al. Docket Nos. CP74-160, et al., Pacific Indonesia LNG Company, et al. Docket Nos. CP75-83-1, 2 & 3, et al., Western Terminal LNG Associates. Docket No. CP79-102, Southern California LNG Terminal Co.
CP-4. Docket No. CP75-362, El Paso Natural Gas Co.
CP-5. Docket No. CP74-192, Florida Gas Transmission Co.
CP-6. Docket No. RP72-99, Transcontinental Gas Pipe Line Corp.
CP-7. Docket No. RP72-6, et al., El Paso Natural Gas Co.
CP-8. Docket No. RP71-29, et al., United Gas Pipe Line Co.

MISCELLANEOUS AGENDA—251ST MEETING, MARCH 28, 1979, REGULAR MEETING

M-1. Docket No. RM79- , Proposed rule by ERA Concerning issuance of certificates of public convenience and necessity to interstate Natural Gas Pipelines in order to transport gas purchased by an End-user to replace fuel.
M-2. Docket No. RM78-12, Alaska Natural Gas Transportation System Incentive Rate of return.

KENNETH F. PLUMB,
Secretary.

[S-590-79 Filed 3-23-79; 10:17 am]

[6735-01-M]

3

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION.

MARCH 23, 1979.

TIME AND DATE: 10 a.m., March 26, 1979.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: This meeting may be closed.

MATTER TO BE CONSIDERED: The Commission will consider and act upon the following agenda item:

Secretary of Labor ex rel. Roy A. Jones v. *James Oliver and Wayne Seal d/b/a Oliver Mine Maintenance,* NORT 78-415.

It was determined by unanimous vote of the Commissioners that pressing Commission business required that a meeting be held on this matter and that no earlier announcement of the meeting was practicable.

CONTACT PERSON FOR MORE INFORMATION:

Joanne Kelley, 202-653-5632.

[S-596-79 Filed 3-23-79; 3:27 pm]

[6210-01-M]

4

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Friday, March 30, 1979.

PLACE: 20th Street and Constritution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed termination of activities engaged in by bank holding companies on the basis of Section 4(c)(5) of the Bank Holding Company Act.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve Systems employees.
3. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; 202-452-3204.

Dated: March 22, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-588-79 Filed 3-23-79; 9:34 am]

[6210-01-M]

5

FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Forwarded to FEDERAL REGISTER on March 22, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Closed meeting: 11 a.m., Friday, March 30, 1979.

CHANGES IN THE MEETING: Addition of the following open item to the meeting: (The open portion will begin at 10 a.m., tó be followed by the closed portion.).

Request by the American Bankers Association for an extension of time to comment on a proposal to establish international banking facilities within the United States.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph E. Coyne, Assistant to the Board: 202-452-3204.

Dated: March 23, 1979.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-59-592-79 Filed 3-23-79; 1:50 pm]

[7020-02-M]

6

USITC SE-79-15. INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Monday, April 2, 1979.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Certain fish and certain shellfish from Canada (Inv. 303-TA-9)—briefing and vote.
6. Any items left over from previous agenda: Resistor chips (Docket No. 561).

Portions closed to the public:

7. Status report on Investigation 332-101 (MTN Study), if necessary.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-594-79 Filed 3-23-79; 2:01 pm]

[7590-01-M]

7

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of March 26, 1979.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

TUESDAY, MARCH 27, 3 P.M.

1. Continuation of meeting on petition for institution of proceedings regarding proposal to use shorter pilings for the foundation of the Bailly generating facility, nuclear—1 (approximately 1½ hours) (closed—exemption 10).

THURSDAY, MARCH 29, 9:30 A.M.

1. Continuation of discussion of staff's final report, "Regulation of Federal Radioactive Waste Activities" (approximately 2 hours—public meeting).

THURSDAY, MARCH 29, 2 P.M.

1. Continuation of discussion of report to Congress: Means for improving State participation in the Federal nuclear waste management programs (approximately 1½ hours—public meeting).

2. Discussion of NRC legislative proposals (approximately 1½ hours (If time permits)—public meeting).

FRIDAY, MARCH 30, 9:30 A.M.

1. Commission meeting with IAEA Director-General for safeguards (approximately 1½ hours) (closed—exemptions 1 & 4).

2. Discussion of personnel matter (approximately 1 hour) (closed—exemption 6).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

Dated: March 22, 1979.

WALTER MAGEE,
Office of the Secretary.

[S-593-79 Filed 3-23-79; 1:50 pm]

[7600-01-M]

8

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

TIME AND DATE: 1 p.m. on April 5, 1979.

PLACE: Room 1101, 1825 K Street NW., Washington, D.C.

STATUS: Because of the subject matter, it is likely that this meeting will be closed.

MATTERS TO BE CONSIDERED: Discussion of specific cases in the Commission adjudicative process.

CONTACT PERSON FOR MORE INFORMATION:

Ms. Patricia Bausell, 202-634-4015.

Dated: March 23, 1979.

[S-597-79 Filed 3-23-79; 3:54 pm]

[4410-01-M]

9

PAROLE COMMISSION—National Commissioners (The Commissioners presently maintaining offices at Washington, D. C. Headquarters.)

TIME AND DATE: 9 a.m., Tuesday, March 20, 1979.

PLACE Room 828, 320 First Street NW., Washington, D. C. 20537.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT March 15, 1979, 44 FR No. 52, p. 15864.

CHANGES IN THE MEETING: On March 21, 1979, the Commission determined that the date and time for the above meeting be changed to Friday, March 23, 1979, at 9:30 a.m.; and that the above change be announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION:

A. Ronald Peterson, Analyst, 202-724-3094.

[S-591-79 Filed 3-23-79; 10:57 am]

[7715-01-M]

10

POSTAL RATE COMMISSION.

TIME AND DATE: 8:30 a.m., March 29, 1979.

PLACE: Conference Room, Room 500, 2000 L Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Office reorganization and personnel matters [Closed pursuant to 5 U.S.C. § 552b(c)(2)(6)].

CONTACT PERSON FOR MORE INFORMATION:

Ned Callan, Information Officer, Postal Rate Commission, Room 500, 2000 L Street NW., Washington, D.C. 20268, Telephone 202-254-5614.

[S-589-79 Filed 3-23-79; 9:34 am]

federal register

TUESDAY, MARCH 27, 1979
PART II

POSTAL SERVICE

■

INTERNATIONAL MAIL

Postal Service Publication 42; Miscellaneous Amendments

[7710-12-M]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 10—INTERNATIONAL POSTAL SERVICE

Postal Service Publication 42, International Mail; Miscellaneous Amendments

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service hereby describes and publishes the full text of numerous miscellaneous revisions of Postal Service Publication 42, International Mail. Some of the revisions are minor, editorial, and technical; other are substantive. The changes reflect current postage rates, fees for services, availability of services, changes in country names, maximum weight limits for parcel post packages, and items prohibited or restricted to certain countries. As to changes in rates and fees, the Postal Service previously published the changes in the FEDERAL REGISTER in the course of providing notice with an opportunity to comment. Publication of all the changes at this time is in accordance with the incorporation by reference in the FEDERAL REGISTER of all amendments to Postal Service Publication 42, International Mail (except amendments to Appendix B). This document also corrects several technical errors appearing in Transmittal Letter 85. The errors are explained below in Supplementary Information.

EFFECTIVE DATE: October 16, 1978, except that the rates and fees, referred to in d. (6), i. (1)(a), i. (2), i. (4)(a), i. (5)(a), i. (6)(a), i. (7)(a), i. (8)(a), i. (12), i. (14), i. (16)(a), i. (17)(a), i. (18), i. (19), i. (20), i. (21), i. (22), i. (23), i. (24) in the Explanation of Changes in the Supplementary Information below became effective on May 29, 1978, 43 FR 23773 and the rates referred to in d. (9) and i. (25) became effective August 12, 1978, 43 FR 31997.

FOR FURTHER INFORMATION CONTACT:

Neva R. Watson, (202) 245-4642.

SUPPLEMENTARY INFORMATION: Postal Service Publication 42, International Mail, all of which, except Appendix B, has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 10.1) has been amended by the issuance of Postal Service Publication 42, International Mail, Transmittal Letter 85, dated October 16, 1978.

Transmittal Letter 85 contains several technical errors which are corrected in this document. In the Explanation of Changes below in g. (5), the third word has been corrected to read "revised" instead of "reviewed", and in i. (17), (c) has been deleted and (d) has been redesignated (c). A printing error repeating the designation and first line of 822.521 where the designation and first line of existing 822.522 should appear is also corrected.

Consistent with 39 CFR 10.3, the amendments made by Transmittal Letter 85, are hereby published in full text, and notice of this publication is added as an amendment to § 10.3. In addition, the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to Publication 42 will receive these amendments automatically from the Government Printing Office. (For other availability of Postal Service Publication 42, International Mail, see 39 CFR 10.2)

Explanation of the prinicpal changes follows:

[7710-12-C]

2 EXPLANATION OF CHANGES

a. Chapter 1

(1) Section 132.222, Footnote 1 is amended to delete reference to the Spanish Sahara since the Spanish Postal Administration no longer maintains post offices in the Sahara.

b. Chapter 2

(1) Section 221.322 is amended to indicate that items prepaid at the letter rate of postage *must* be placed in envelopes or prepared in package form.

(2) Section 221.341(b)3 is expanded to provide examples of proper address makeup.

(3) Section 224.82 has been amended to specify proper make-up for markings of regular printed matter paid with permit imprint.

(4) Section 225.3 is amended to reference the correct tables in Appendix A for mailing conditions for matter for the blind.

(5) Section 226.2 is amended to:

(a) Reflect the change in country name for Kampuchea (Democratic), (formerly Khmer Republic);

(b) Delete North and South Vietnam from the list of those countries not accepting small packets.

(6) Section 232.2 is revised to reflect new procedures for handling shortpaid and unpaid mail.

c. Chapter 3

(1) Section 326.41 is expanded to provide examples of proper address makeup.

(2) Section 326.42 is added to specify that addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interline translation of the names of the post office, province, and country of destination in English.

(3) Sections 326.42, 326.43, and 326.44 are renumbered 326.43, 326.44, and 326.45 respectively.

d. Chapter 4

(1) Section 442.1 is amended to reflect:

(a) The change in country name for Kampuchea (Democratic), (formerly Khmer Republic);

(b) The availability of registry service to the Socialist Republic of Vietnam.

(2) Section 442.2 is amended to include single entries for Angola, Guinea-Bissau, and St. Thomas and Principé (formerly Portuguese West Africa).

(3) Section 447.13 is amended to indicate an exception exists for the handling of incoming registered printed matter from countries other than Canada.

(4) Section 447.14 is added to provide instructions for handling incoming registered matter from countries other than Canada.

(5) Section 447.14 is renumbered 447.15.

(6) Section 453.1 is revised to reflect the new fee for a return receipt.

(7) Part 462 is amended to:

(a) Include single entries for Angola, Guinea-Bissau, and St. Thomas and Principé (formerly Portuguese West Africa);

(b) Reflect the change in country name for Djibouti (formerly French Territory of the Afars and Issas) and East Timor (formerly Portuguese Timor).

(8) Part 493 is expanded to present definitions, availability, fees, and requirements for issuing and cashing international money orders.

(9) Part 494 is added to present information on availability, rates (effective August 12, 1978), and procedures for shipments of International Express Mail.

e. Chapter 5

(1) Section 532.2 is amended to reflect the change in country name for Kampuchea (Democratic), (formerly Khmer Republic) and the Socialist Republic of Vietnam (formerly North and South Vietnam).

(2) Section 541.212 is amended to reflect the change in country name for:

(a) Kampuchea (Democratic), (formerly Khmer Republic);

(b) The Socialist Republic of Vietnam (formerly North and South Vietnam).

f. Chapter 6

(1) Subchapter 630 is amended to include the acceptability of foreign articles bearing the endorsements *ON POSTAL SERVICE* and *SERVICE DES POSTES* with a postmark as prepaid mail.

g. Chapter 8

(1) Section 821.1 is expanded to reference PSM 115.91(b), 115.94, and 115.96 for customs examination procedures to be followed for mail addressed for delivery in the Virgin Islands, Guam, and Puerto Rico respectively.

(2) Section 821.3 is revised to indicate that the postmaster or other designated postal employee must be present when registered and sealed letter mail (except green label mail) is opened by customs officers for examination.

(3) Section 821.61 is revised to indicate forwarding procedures for items other than sealed letter class mail which have failed to receive proper customs treatment.

(4) Section 822.611 is amended to refer to Section 822.612 for procedure to be followed when addressee desires to request a refund of duty from the U.S. Customs Service and intends to file an indemnity claim with the U.S. Postal Service.

(5) Section 822.612 is ~~reviewed~~ revised to specify procedure to be followed when addressee desires to request a refund of duty from the U.S. Customs Service and intends to file an indemnity claim with the U.S. Postal Service.

(6) Part 831 is expanded to reference PSM 115 92 for procedures to be followed for agriculture quarantine inspection by the U.S. Department of Agriculture.

h. Chapter 9

(1) Section 923.122 has been rewritten to note that the inquiry form and Form 2865, *Return Receipt For International Insured or Registered Mail,* are to be sent to the appropriate exchange office.

(2) Section 923.311 is amended to reflect the revised title of Form 1510, *Mail Nondelivery Report.*

(3) Sections 923.321c, 923.321d(1) and (2), 923.322d, 923.322e(2), 923.323(b), and 923.341(b) are amended to reflect instructions for proper completion and distribution of parts of revised Form 1510, *Mail Nondelivery Report,* in connection with inquiries concerning mail exchanged with Canada.

i. Appendix A

(1) Table 3-1 is amended to:

(a) Reflect new surface rates for letters and letter packages;

(b) Cross-reference Table 3-2 for rates for letters and letter packages to Canada and Mexico, since mail to Canada and Mexico bearing postage paid at the surface letter rate receives first class service in the United States and airmail service in Canada and Mexico.

(2) Table 3-2 is amended to reflect new rates for air service for letters and letter packages to Canada and Mexico.

(3) Table 3-3 is amended to:

(a) Change minimum to maximum under B.1., *Maximum Dimensions;*

(b) Delete *Note* under B.2, *Minimum Dimensions,* since articles smaller than the prescribed minimum size are nonmailable.

(4) Table 3-4 is revised to:

(a) Reflect new rates for post cards;

(b) Indicate the minimum size standard for post cards to all countries is 5½ x 3½ inches.

(5) Table 3-5 is revised to:

(a) Reflect new surface rates for printed matter; rates for PUAS countries have been discontinued;

(b) Delete reference to the Spanish Sahara since the Spanish Postal Administration no longer maintains post offices in the Sahara.

(6) Table 3-6 is revised to:

(a) Reflect new surface rates for books and sheet music; rates for PUAS countries have been discontinued.

(b) Delete in Footnote 1 reference to the Spanish Sahara since the Spanish Postal Administration no longer maintains post offices in the Sahara.

(7) Table 3-7 is revised to:

(a) Reflect new surface rates for second class publications; rates for PUAS countries have been discontinued;

(b) Delete in Footnote 2 reference to the Spanish Sahara since the Spanish Postal Administration no longer maintains offices in the Sahara.

(8) Table 3-8 is revised to:

(a) Reflect new surface rates for controlled circulation publications; rates for PUAS countries have been discontinued;

(b) Delete in Footnote 2 reference to the Spanish Sahara since the Spanish Postal Administration no longer maintains offices in the Sahara.

(9) Table 3-9 is amended to:

(a) Reflect the proper rate for AO articles sent to Canada by air;

(b) Clarify the calculation of rates for direct sacks of printed matter to one addressee only.

(10) Table 3-10 is amended to:

(a) Delete *Note* under B. *Size Limits, Minimum Dimensions* since articles smaller than the prescribed minimum size are nonmailable;

(b) Item E. *Marking and Endorsing* is expanded in indicate that the *PRINTED MATTER* endorsement may appear in the ad plate area of postage meter stamps.

(11) Table 3-11 is amended to delete *Note* under *D.2 Minimum Dimensions* since articles smaller than the prescribed minimum size are nonmailable.

(12) Table 3-12 is revised to reflect new surface rates for small packets; rates for PUAS countries have been discontinued.

(13) Table 3-13 is amended to:

(a) Delete *Note* under B.2 *Minimum Dimensions* since articles smaller than the prescribed minimum size are nonmailable;

(b) Item E. *Marking and Endorsing* is expanded to indicate that the *SMALL PACKET* endorsement may appear in the ad plate area of postage meter stamps.

(14) Table 3-14 is revised to reflect new surface rates for parcel post.

(15) Table 3-15 is amended to:

(a) Include single entries for Angola, Guinea-Bissau and, St. Thomas and Principé (formerly Portuguese West Africa);

(b) Reflect the correct country name for the Central African Empire;

(c) Reflect the increased maximum weight limit for parcels to Cyprus;

(d) Reflect the change in country name for Djibouti (formerly French Territory of the Afars and Issas);

(e) Reflect the change in country name for East Timor (formerly Portuguese Timor).

(f) Reflect the increased maximum weight limit for parcels to the Gilbert Islands;

(g) Reflect the increased maximum weight limit for parcels to Israel;

(h) Reflect the change in country name for Kampuchea (Democratic), (formerly Khmer Republic);

(i) Reflect the change in country name for the Socialist Republic of Vietnam (formerly North and South Vietnam);

(j) Reflect the increased maximum weight limit for parcels to Yemen (Aden).

(16) Table 6-2 is revised to:

(a) Reflect new fees for insurance;

(b) Reflect increase in the maximum indemnity limit from $200 to $400 for insured parcels to Canada.

(17) Table 6-3 is revised to reflect:

(a) New registry fees;

(b) The change in country name for Kampuchea (Democratic), (formerly Khmer Republic);

[redacted]

(c) The change in country name for Angola, Guinea-Bissau and St. Thomas and Principé (formerly Portuguese West Africa).

(18) Table 6-4 is revised to reflect new fee for return receipts.

(19) Table 6-5 is revised to reflect new fee for restricted delivery.

(20) Table 6-6 is revised to reflect new fees for special delivery;

(21) Table 6-7 is revised to reflect new fees for special handling; the fee for articles weighing not more than two pounds has been discontinued.

(22) Table 6-8 is revised to reflect new fees for certificate of mailing.

(23) Table 6-9 is revised to reflect new registry fee.

(24) Tables 7-1 and 7-2 are added to reflect the new fees for international money orders.

(25) Tables 8-1 through 8-10 are added to reflect the standards, rates, and summary conditions for shipments of International Express Mail.

[7710-12-M]

In consideration of the foregoing, 39 CFR 10.3 is amended as follows:

§ 10.3 Amendments to Postal Service Publication 42, International Mail.

* * * * *

Transmittal Letter 85.
Dated: October 16, 1978.
Federal Register Publication 44 FR ——.[1]

W. ALLEN SANDERS,
Acting Deputy
General Counsel.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408)

Accordingly, the amendments made by Transmittal Letter 85, are hereby published and read as follows:

---

[1] Actual page number of this document not known in time for publication.

132 DIFFERENCES BETWEEN POSTAL UNION MAIL AND PARCEL POST MAIL

* * *

.222 Postal Union of the Americas and Spain

The United States and the following countries are also members of the Postal Union of the Americas and Spain (PUAS):

Argentina	Guatemala
Bolivia	Haiti
Brazil	Honduras Republic
Canada	Mexico
Chile	Nicaragua
Colombia	Panama
Costa Rica	Paraguay
Cuba	Peru
Dominican Republic	Spain and Possessions[1]
Ecuador	Uruguay
El Salvador	Venezuela

[1] Spanish possessions include the Balearic Islands, the Canary Islands, the Spanish Offices in Northern Africa.

* * *

221 CONDITIONS FOR ALL ARTICLES

* * *

.232 Availability of Reply Coupons

* * *

b. International reply coupons sold in other countries are exchangeable at U.S. post offices for postage stamps, at the rate of *20 cents* each.

* * *

.321 Envelopes

* * *

b. Window envelopes meeting the conditions in PSM 141.114 are acceptable in international mail. Open-panel envelopes and window envelopes with more than one panel are not acceptable in the international mails.

* * *

.341 Addressee

* * *

b. Mail must be addressed legibly with roman letters and arabic numerals placed lengthwise on one side of the article only. The name and address of the addressee must be written precisely and completely so that postal employees distributing the mail will be able to route it to its proper destination without difficulty. For example:

* * *

(3) The name of the post office and country of destination must be written in full in capital letters, and the postal delivery zone number included if known. The country name, written in full in capital letters, must be the last item in the address. For example:

Mr. Thomas Clark
117 Russell Drive
LONDON W1P 6HO
ENGLAND

On mailings to Canada only, either of the following address formats may be used when the postal delivery zone number is included in the address:

Ms. Helen Saunders
1010 Clear Street
OTTAWA ON K1A OB1
CANADA

Ms. Helen Saunders
1010 Clear Street
OTTAWA ON CANADA
K1A OB1

* * *

.342 Return Address

The complete address of the sender, including ZIP Code, must be shown in the upper left corner of the address side of the envelope, package, or card, and placed so that it will not affect either the clarity of the address of destination or the application of service labels and notations (postmarks, etc.). Ordinary (unregistered) articles bearing a return address in another country are accepted only at the sender's risk.

* * *

224 CONDITIONS FOR PRINTED MATTER

* * *

.322 Postage on second-class and controlled circulation publications mailed by the publisher or by a registered news agent may be paid (1) by means of postage stamps or meter stamps, (2) in cash before the mailings are dispatched, or (3) from deposits of money made with the postmaster by the publisher or news agent. When the postage is to be paid in cash or from money on deposit with the postmaster, the postage charges are computed on Form 3541, *Statement of Mailing – Second-Class Publications*, or on Form 3541-A, *Statement of Mailing – Controlled Circulation Publications*, filed by the publisher or news agent.

* * *

224.5 Preparation for Mailing Printed Matter

* * *

.522 Bundles

a. Publishers mailing at the second-class or controlled circulation publication rate having five or more individually addressed copies to subscribers at the same post office must place them in bundles with a conspicuous label attached showing the post office and country of destination. Mail not made up to direct cities must be separated into State (province, county, etc.) bundles. All bundles must be secured with string or rubber bands.

When there is a sufficient quantity of mail for one city, one State (province, county, etc.), or one country to fill approximately one-third of a sack, the mailer must insert the prepared bundles in a sack appropriately labeled to identify the destination. Mail for countries that have a postal code sort system may be made into bundles and sacks based on the postal code.

* * *

224.8 Mailing Locations

* * *

.82 All second-class and controlled circulation publications to be mailed at second-class and controlled circulation publication rates must be made up in accordance with 224.521 and .522 and taken to the post office or such other place as may be designated by the postmaster. Mailers sending regular printed matter bearing a permit imprint must arrange all pieces with the address side facing the same way. It is recommended that the mailer separate the pieces to the finest extent possible in the manner prescribed by section 224.522a. This mail must be taken to the post office or such other place as may be designated by the postmaster.

224.9 Direct Sacks of Printed Matter to One Addressee

.91 Definition

Ordinary (unregistered) printed matter being sent in quantity (minimum 22 pounds, maximum 66 pounds—sack and contents) to one addressee may be mailed in direct sacks, except to Ethiopia.

* * *

225 CONDITIONS FOR MATTER FOR THE BLIND

* * *

225.3 All Other Mailing Conditions

See the appropriate table in appendix A and chapter 2, as needed:

CONDITIONS	APPENDIX A Specific Provisions for Matter for the Blind	CHAPTER 2 General Provisions for Postal Union Mail
Postage Rates		
Surface	Free	–
Airmail	Table 3-9	
Weight & Size Limits	Table 3-11	–
Preparation for Mailing	Table 3-11	221.3
Forms Required	Table 3-11	221.4
Marking & Endorsing	Table 3-11	–

226 CONDITIONS FOR SMALL PACKETS

* * *

226.2 Items Accepted, Restricted, or Prohibited

.21 Countries Not Accepting Small Packets

Small packets are not accepted to the following countries:

Cuba
Kampuchea (Democratic)
North Korea

232 POSTAGE

* * *

232.2 Shortpaid and Unpaid Postage

.21 General Procedure

Carefully check all locally mailed articles and mail received at sectional centers from associated offices for postage payment before the mail is dispatched. Return shortpaid or unpaid mail to sender for deficient postage, using stock rubber stamp R-1300-230, *Returned For_____ Additional Postage*, except as provided in 232.22.

.22 Exceptions

.221 Shortpaid special delivery mail and shortpaid or unpaid letters, letter packages, and post cards that bear no return address – forward to the appropriate exchange office, applying stock rubber stamp R-1300-4, *Postage Due_____Cents*. Do not indicate the amount of the deficiency.

.222 Shortpaid or unpaid printed matter or small packets that bear no return address – forward to appropriate dead letter branch.

.223 Shortpaid letters, letter packages, and post cards to Canada – apply stock rubber stamp R-1300-4, *Postage Due_____Cents*. Enter double the amount of the deficiency.

.23 Credit for Postage Already Affixed

Credit is allowed for postage already affixed in computing the correct amount on articles returned to senders for deficient postage.

233 IMPROPERLY PREPARED MAIL

* * *

326 PREPARATION FOR MAILING

* * *

326.4 Addressing

.41 The name and address of the sender and of the addressee must be (1) written legibly and correctly, when possible on the parcel itself, or on a gummed label affixed to the parcel, and (2) written on a separate slip enclosed in the parcel.

The name of the post office and country of destination must be written in full in capital letters, and the postal delivery zone number included if known. The country name, written in full in capital letters, must be the last item in the address. For example:

Mr. Thomas Clark
117 Russell Drive
LONDON W1P 6HQ
ENGLAND

On mailings to Canada only, either of the following address formats may be used when the postal delivery zone number is included in the address:

Ms. Helen Saunders
1010 Clear Street
OTTAWA ON K1A 0B1
CANADA

Ms. Helen Saunders
1010 Clear Street
OTTAWA ON CANADA
K1A 0B1

.42 Addresses in Russian, Greek, Arabic, Hebrew, Japanese, or Chinese characters must bear an interline translation of the names of the post office, province, and country of destination in English. If the English forms are not known, the foreign spellings must be shown in Roman characters (print or script).

.43 Parcels will not be accepted (1) when addressed to a "care" in one country and the addressee (or person for whom intended) in another country, or (2) when the sender or addressee is designated by initials, unless the initials are the adopted trade name of the sender or addressee.

.44 Addresses in ordinary pencil are not allowed, but copying ink or indelible pencil on a surface previously dampened may be used.

.45 Sufficient space must be left on the outside wrapper for the addition of necessary service notations and for stamps or labels.

* * *

442 AVAILABILITY OF REGISTRY SERVICE AND INDEMNITY LIMITS

442.1 Postal Union Mail

Registry service is available for postal union mail, except direct sacks of printed matter, to most countries. Registry service is not available to *Kampuchea (Democratic) and Democratic Peoples Republic of Korea (North Korea)*. Indemnity is limited to $15.76, except for Canada, which has an indemnity limit of $200.00. (See 933.4 or table 6-3 in appendix A.)

442.2 Parcel Post

.21 Registry service is unavailable, except for the following countries with which there are arrangements for registry of parcels:

Angola
Belize
Bermuda
Cape Verde (Republic of)
Ecuador
Guinea-Bissau
Jamaica
St. Thomas & Principé
Turks Island
Zaire

* * *

444 PREPARATION OF REGISTERED MAIL BY SENDER

444.1 Sealing

.11 Senders must securely seal letters or letter packages presented for registration. Wax or paper seals on envelopes must bear a distinctive mark of the sender and must be affixed in such a way as to allow sufficient space at the intersections of the flaps for postmarking. Self-sealing envelopes and envelopes or packages that appear to have been opened and resealed will not be registered.

* * *

447 TREATMENT OF INCOMING REGISTERED MAIL

447.1 Determining Whether Mail is Registered

* * *

.13 Except for incoming registered printed matter (from countries *other* than Canada), mail articles or parcels obviously registered by the country of origin must be given the same handling as domestic registered mail. Refer to 447.14 for treatment of incoming registered printed matter from countries other than Canada.

.14 Incoming registered printed matter (from countries *other* than Canada) must be removed from the registered mail system and given the same handling as domestic certified mail.

.15 Any article or parcel that is without evidence of formal registration must be dispatched as ordinary mail. A sender's registry endorsement, if it appears on such articles or parcels, must be crossed out.

* * *

453 FEES OR CHARGES

453.1 The fee for a return receipt for all countries permitting such service is 45 cents. That fee is in addition to regular postage for the article or parcel, the registry or insurance fee, and applicable fees for any other available special service. [NOTE: ALL RETURN RECEIPTS WILL BE RETURNED TO THE UNITED STATES BY AIRMAIL.]

* * *

454 PROCESSING REQUESTS FOR RETURN RECEIPTS FOR OUTGOING MAIL

454.1 Processing Requests at Office of Mailing

When the sender requests a return receipt at the time of mailing, for registered or insured mail, the office of mailing will proceed as follows:

a. Complete Form 2865 *Reutrn Receipt for International Insured or Registered Mail*. Mark it on its address side RENVOI PAR AVION. Attach airmail Label 19 bearing the words PAR AVION. [NOTE: Some Forms 2865 already have the words PAR AVION imprinted.]

* * *

462 AVAILABILITY OF RESTRICTED DELIVERY

Restricted delivery can be purchased at the time of mailing:

a. Only for registered postal union articles. (Restricted delivery is not available for registered parcel post.)

b. And, only if accompanied by a return receipt (see 450).

c. And, only to the following countries:

Country	Endorsement required
Afghanistan	A remettre en main propre.
Albania	A remettre en main propre or Per t'u dorezuar ne doren e vet
Angola	A remettre en main propre.
Anguilla (Leeward Is.)	Deliver to addressee in person.
Austria	A remettre en main propre.
Belgium	A remettre en main propre or the equivalent in the Flemish language.
Brazil	A remettre en main propre.
Bulgaria	Licno.
Burma	A remettre en main propre.
Cameroon	A remettre en main propre.
Cape Verde Islands	A remettre en main propre.
China (Taiwan)	A remettre en main propre or the equivalent in a language known at the place of destination.
Congo (Brazzaville)	A remettre en main propre.
Cyprus	A remettre en main propre.
Czechoslovakia	A remettre en main propre.
Denmark	A remettre en main propre.
Djibouti	A remettre en main propre.
Dominica (Windward Islands)	To be delivered to the addressee in person.
Dominican Republic	A remettre en main propre.
East Timor	A remettre en main propre.
El Salvador	A remettre en main propre or A entregar en propia mano.
Estonia	A remettre en main propre.
Ethiopia	A remettre en main propre.
Falkland Islands	To be delivered to the addressee in person.
Fiji Islands	Personal delivery.
Finland	A remettre en main propre.
Germany	A remettre en main propre or Eigenhandig.
Greece	A remettre en main propre or ΙΔΙΑΣ ΧΕΡΣΙΝ
Guinea-Bissau	A remettre en main propre.
Hungary	A remettre en main propre or Sajat kezbe kezbesitendo.
Iceland	A remettre en main propre or Afhendist viditakanda sjalfum.
Iran	A remettre en main propre.
Italy	A remettre en main propre.
Jamaica	To be delivered to the addressee in person.

Jordan	A remettre en main propre.
Laos	A remettre en main propre.
Latvia	A remettre en main propre.
Lebanon	A remettre en main propre.
Leeward Islands (Anguilla Montserrat, Nevis, and St. Christopher only).	Delivered to addressee in person.
Liberia	A remettre en main propre.
Lithuania	A remettre en main propre.
Luxembourg	A remettre en main propre.
Macao	A remettre en main propre.
Montserrat (Leeward Is.)	Deliver to addressee in person.
Mozambique	A remettre en main propre.
Nevis (Leeward Is.)	Deliver to addressee in person.
Philippines	Deliver to addressee only.
Portugal	A remettre en main propre.
Rumania	A remettre en main propre.
St. Christopher (Leeward Is.)	Deliver to addressee in person.
St. Lucia (Windward Is.)	Deliver to addressee in person.
St. Thomas & Principé	A remettre en main propre.
Sierra Leone	To be delivered to the addressee in person.
Spain	A remettre en main propre or A entregar en propia mano.
Sweden	A remettre en main propre or Far utlamnas endast till adressaten personligen.
Switzerland	A remettre en main propre.
Tunisia	A remettre en main propre.
Turkey	Alicinin kendine verilecek.
Turks Islands	To be delivered to the addressee in person.
Union of Soviet Socialist Republics.	A remettre en main propre.
Upper Volta	A remettre en main propre.
Uruguay	A remettre en main propre.
Vatican City State	A remettre en main propre.
Yemen	A remettre en main propre.
Yugoslavia	A remettre en main propre.

* * *

471 SPECIAL DELIVERY DEFINED

Special delivery is available for postal union mail to obtain immediate delivery at the office of address, according to the special delivery regulations in force in the country of destination. It also provides to the extent practicable, preferential handling, in dispatch and transportation. Unlike registry service, it does not provide security nor payment of indemnity (see 440). And, unlike restricted delivery, it does not provide delivery to an addressee in person (see 460).

* * *

493 INTERNATIONAL POSTAL MONEY ORDERS

493.1 General Description of International Postal Money Order Service

.11 International postal money order service is available to persons in the United States who wish to transfer funds to individuals or firms in countries which have entered into agreements with the United States Postal Service for the exchange of postal money orders.

.12 In general, the maximum amount for an international postal money order is $300. Exceptions are that money orders may not exceed 50 pounds (approximately $90) when payable in Great Britain, $250 when payable in Syria, and $100 when payable in Morocco. There is no limit on the number of money orders that may be sent to a payee during any time period.

493.2 Availability of International Money Order Service

.21 Postal money order service is available to certain countries under the categories listed in 493.22, 493.23, and 493.24 below. The counties included in each category are listed following the category description.

.22 Countries Which Accept U.S. Domestic Postal Money Orders

Domestic postal money orders are accepted for payment by the following countries subject to the existing laws and regulations which govern payment of money order in those countries:

Country	Address
Antigua	Administrator St. Johns, Antigua
Bahamas	Postmaster Nassau, Bahamas
Barbados	Postmaster General Bridgetown, Barbados
Belize	Postmaster General Belize City, Belize
British Virgin Islands	Administrator Tortola, British Virgin Islands
Canada (see 493.411)	Deputy Postmaster General Financial Branch Money Order Division Ottawa ON K1A OB1 Canada
Canal Zone	Director of Posts Balboa Heights, Canal Zone
Dominica	Colonial Postmaster Dominica, West Indies
Grenada	Colonial Postmaster Grenada, West Indies
Montserrat	Administrator Montserrat, West Indies
Saint Kitts-Nevis-Anguilla	Administrator St. Kitts-Nevis-Anguilla, West Indies
Saint Lucia	Postmaster General Saint Lucia, West Indies
Saint Vincent	Colonial Postmaster Saint Vincent, West Indies
Trinidad and Tobago	Postmaster General Port of Spain, Trinidad. West Indies

.23 Countries With Which International Postal Money Orders Are Exchanged Directly

International postal money orders are exchanged directly between the United States international postal money order exchange office (Money Order Division, U.S. Postal Service, Postal Data Center, P.O. Box 14964, St. Louis, MO 63182) and the international postal money order exchange office of the following countries:

Country
Argentina
Australia, Commonwealth of: New South Wales

Queensland
South Australia
Tasmania
Victoria
Western Australia
Austria
Bangladesh
Belgium
Chile
China, Republic of (Formosa) (Taiwan)
Colombia
Czechoslovakia (except Province of Ruthenia)
Denmark
Egypt (United Arab Republic)
El Salvador
Finland
Germany, Federal Republic (West Germany)
Great Britain and Northern Ireland
(including Scotland and Wales)
Greece
Guatemala
Guyana
Hungary
Iceland
Ireland
Italy
Japan
Luxemburg
Mexico
Morocco, Kingdom of
Netherlands
New Zealand
Norway
Peru
Philippines
Poland
South Africa, Republic of
Surinam
Sweden
Switzerland
Syria
Thailand
Tunis
Uruguay
Vatican City
Yugoslavia

.24 Countries With Which International Postal Money Orders Are Exchanged Through Intermediate Countries

International postal money orders are exchanged between the United States (through the Money Order Division, U.S. Postal Service, Postal Data Center, P.O. Box 14964, St. Louis, MO 63182) and the following countries and locations through the international postal money order exchange offices of the following intermediate countries.

Country or Locality	Intermediate Country
Aegean Islands (See Dodecanese Islands)	Greece
Aitutaki, Cook Islands	New Zealand
Algeria	France
Andorra, Republic of (Andorre la Vieille only)	France
Basutoland (See Lesotho)	South Africa, Republic of
Bechuanaland Protectorate (See Botswana)	South Africa, Republic of
Borneo, North (See Malaysia)	New South Wales
Botswana (formerly Bechuanaland Prot.)	South Africa, Republic of
British Somaliland (See Somali Republic)	Great Britain
Cameroon, Republic of	France
Central African Empire (Oubangui-Chari)	France
Chad, Republic of (Tchad)	France
Chios (Dodecanese Islands)	Greece
Comoro Islands	France
Congo, Republic of (Brazzaville)	France
Cook Islands	New Zealand
Aitutaki, Rarotonga	
Corsica	France
Cos (Dodecanese Islands)	Greece
Crete	Greece
Cyprus	Great Britain
Famagusta, Kyrenia, Larnaca, Lefka, Lefkara, Lefkoniko, Limassol, Morphou, Nicosia, Paphos, Pedhoulas, Platres, Polis, Troodos, Yialousa (Pedhoulas, Platres and Troodos are summer offices only)	
Dahomey, Republic of	France
Dodecanese Islands	Greece
Astypalaia, Kalymnos (Calino, Calymnos), Karpathos (Scarpanto), Kassos, Kastellorizon, Cos, Leros (Lero), Nissyros (Nisiro), Patmos, Rhodes (Rodi), and Symi	
Ellice Islands	New South Wales
Falkland Islands	Great Britain
Fanning Island	New Zealand
Faroe Islands	Denmark
Fiji Islands	New South Wales
French Cameroon (See Cameroon, Republic of)	France
French Equatorial Africa (See Central African Republic, Chad, Congo and Gabon Republic)	France
French Guiana	France
French Oceania (See Polynesia)	France
French Sudan (See Mali)	France
French Togoland (See Togo)	France
French West Africa (See Dahomey, Ivory Coast, Mali, Mauritania, Niger, Senegal, Upper Volta)	France
Friendly Islands (or Tonga Islands)	New South Wales
Gabon Republic	France

Country or Locality	Intermediate Country
Gambia	Great Britain
Barre (paid through Bathurst), Basse, Bathurst, Cape St. Mary (paid through Bathurst), Georgetown, Kunta-Ur, Macarthy Island (paid through Georgetown)	
Gibraltar	Great Britain
Gilbert and Ellice Islands Colony	New South Wales
Guadeloupe	France
Iraq	Great Britain
Islamic Republic (See Mauritania)	France
Ivory Coast, Republic of	France
Kalymnos (Dodecanese Islands)	Greece
Kamaran Island (Aden)	Great Britain
Karpathos (Dodecanese Islands)	Greece
Leros (Dodecanese Islands)	Greece
Lesbos (Dodecanese Islands)	Greece
Lesotho (formerly Basutoland)	South Africa, Republic of
Liechtenstein, Principality of	Switzerland
Madagascar (Malagasy Republic)	France
Makatea (See Polynesia, French)	France
Malagasy Republic (See Madagascar)	France
Malawi	Great Britain
Malaysia (Federation of):	New South Wales
Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang, Penang (including Province of Wellesley), Perak, Perlis, Selanagor and Trengganu; also Sabah (North Borneo) and Sarawak.	
Mali, Republic of	France
Martinique	France
Mauritania (Islamic Republic)	France
Middle Congo (See Congo, Republic of)	France
Monaco	France
Mozambique (Portuguese East Africa)	South Africa, Republic of
Nauru Island	New South Wales
New Caledonia	France
New Hebrides	New South Wales
Niger, Republic of	France
Nigeria	Great Britain
Nissyros (Dodecanese Islands)	Greece
Niue or Savage Island	New Zealand
Norfolk Island	New South Wales
North Borneo (See Malaysia)	New South Wales
Northern Rhodesia (See Zambia)	South Africa, Republic of
Nyasaland (See Malawi)	Great Britain
Oceania, French (See Polynesia, French)	France
Oubangui-Chari (See Central African Empire)	France
Papeete, Tahiti (See Polynesia, French)	France
Penrhyn Island	New Zealand
Persian Gulf Ports (See Bahrein, Qatar and Trucial States)	Great Britain
Polynesia, French	France
Makatea, Raiatea, Society Islands, Tahiti	
Portuguese East Africa (Mozambique)	South Africa, Republic of
Qatar (Doha and Umm Said)	Great Britain
Raiatea (See Polynesia, French)	France
Rarotonga (Cook Islands)	New Zealand
Reunion Island	France
Rhodes (Dodecanese Islands)	Greece
Rhodesia (Northern and Southern)	South Africa, Republic of
Rodrigues, Island of	Great Britain
Saar	Germany
Sabah (See Malaysia)	New South Wales
Saint Helena	Great Britain
Saint Pierre and Miquelon	France
Samoa (Western)	New Zealand
Samos (Dodecanese Islands)	Greece
San Marino, Republic of	Italy
Sarawak (See Malaysia)	New South Wales
Savage Islands (Niue)	New Zealand
Senegal, Republic of	France
Seychelles Islands	Great Britain
Sierre Leone	Great Britain
Bauya, Blama, Bo, Bonthe, Cline Town, Daru Freetown, Hangha, Kabala, Kailahun, Kambia, Kenema, Lunsar, Magburaka (Makump) Makeni, Mano, Moyamba, Pendembu, Port Loko, Punjehun, Rotifunk, Sekbwema, Sembehun, Sumbuya, Waterloo	
Society Islands (See Polynesia, French)	France
Solomon Islands	New South Wales
Somali Republic (Northern Region only)	Great Britain
Berbera, Borama, Burao, Erigavo, Hargeisa, Hargeisa Town, Lasanod, Sheikh	
Soudanese Republic (See Mali, Republic of)	France
Southern Rhodesia (See Rhodesia)	South Africa, Republic of
Southwest Africa	South Africa, Republic of
Sudan, French (See Mali Republic)	France
Swaziland	South Africa, Republic of
Tahiti (See Polynesia, French)	France
Tanganyika (See Tanzania)	Great Britain
Tanzania (See Tanganyika and Zanzibar Protectorate)	Great Britain
Tchad (See Chad Republic)	France
Togo	France
Anecho, Atakpame, Lome, Palime	
Tonga Islands (or Friendly Islands)	New South Wales
Uganda	Great Britain
Arua, Bombo, Busambutia, Butiaba, Entebbe, Fort Portal, Gulu, Hoima, Iganga, Jinja, Kabale, Kaberamaido, Kakira, Kaliro, Kampala, Kamuli, Kitgum, Lira, Lugazi, Masaka, Masindi, Mbale, Mbarara, Mubende, Nanasagali, Ngora, Soroti, Tororo	
Upper Volta	France
Wester Samoa	New Zealand
Zambia	South Africa, Republic of
Zanzibar Protectorate (See Tanzania)	Great Britain

493.3 Fees for International Money Orders

See Tables 7-1 and 7-2 in Appendix A for applicable fees.

493.4 Procedures for Issuance of International Postal Money Orders

.41 Forms Required

.411 For countries listed in 493.22, the domestic postal money order form is used. Follow the instructions for the issuance of domestic money orders (See *Postal Service Manual*).

[NOTE: For money orders payable in Canada, the amount of the money order must be expressed in both U.S. and Canadian money. Consult the current conversion table published in the Postal Bulletin. Enter the amount received in U.S. money and select the limitation plate in the usual manner. Write the Canadian equivalent on the *For* line in the *Purchased By* block and write the word *Canadian* before it.]

.412 For countries listed in 493.23 and 493.24, the *Authorization to Issue an International Money Order* form is used. Application must be made on Form 6701, *Application for International Money Order*. For Mexico an optional application Form 6701-A, *Application For a Money Order Payable in Mexico*, is provided. International money orders are generally issued in United States dollars and are converted into foreign currency in the country where payable. Generally, only approximations of foreign currency equivalents are given.

.413 Form 6083, *Supplemental International Money Order Advice* (written in the language of the country of payment, if possible) is required for money orders payable in the following countries:

Bangladesh
Greece
Japan
Syria
Yugoslavia

.42 Preparation by Purchaser

.421 When the domestic money order is used, remind the purchaser to complete the information called for both on the money order and on the customer's receipt. The Postal Service is not liable for money orders which are lost before completion of such information by the purchaser.

.422 Purchasers must fill in the following information on the domestic money order and the customer's receipt when sending funds to countries listed in 493.22:

a. The complete names and addresses of both the payee and the purchaser. The customer should do this to protect his rights in the event the money order is lost. Also, the customer should complete and retain the customer receipt since it must be presented if inquiries are made later.

b. Money orders may be made payable to:

(1) the purchaser;
(2) a person or a firm;
(3) a payee by official title. Example: Director of Publications, Canada.

.423 When sending money orders to countries listed in 493.23 and 493.24, purchaser must:

a. State the following details on Form 6701, *Application for International Money Order*, regarding the payee: full name, complete address, name of city, town, or village; name of the country, province, canton, department, or district. The purpose of the payment may also be stated.

b. Complete Form 6083, *Supplemental International Money Order Advice*, (written in the language of the country of payment, if possible) for money orders payable in the following countries:

Bangladesh
Greece
Japan
Syria
Yugoslavia

.43 Preparation by Issuing Postal Employee

.431 For money orders payable in the countries listed in 493.22, see 493.411.

.432 For money orders payable in the countries listed in 493.23 and 493.24, the postal employee receiving the application shall:

a. Review Application – Verify that Form 6701, *Application for International Money Order*, or 6701A, *Application for a Money Order Payable in Mexico*, is properly and legibly completed in accordance with the instructions on the back of the form. An incomplete Form 6701 or 6701A will delay transmission to the country of payment. *Make sure that the country of payment is listed in* 493.23 *and* 493.24. Do not accept applications for countries not included on those lists. Remind the customer that he *may* specify the purpose of payment. Verify that the customer has properly completed and submitted Form 6083, *Supplemental International Money Order Advice* if he is requesting a money order to one of the countries listed in 493.413.

b. Imprinter Preparation – Prepare the imprinter for imprinting the *Authorization to Issue an International Money Order* form set following the procedures applicable to preparation of the imprinter for domestic form sets (see *Postal Service Manual*). Verify that the date is correctly set.

c. Imprinting the Form Set – Imprint the *Authorization to Issue an International Money Order* form set following the procedures applicable to domestic form sets (see *Postal Service Manual*). The amount imprinted on the form set will be stated in U.S. currency. If the purchaser requests the equivalent in the currency of the country of payment, obtain the conversion rate from a local bank or firm which deals in foreign currency. If no such source is available locally, call the International Exchange Section, Money Order Division, St. Louis PDC, at 314-425-4933, or FTS 279-4933. Advise the customer that the quoted foreign equivalent is only approximate and will not necessarily be the amount paid in the foreign country.

d. Completing the Transaction –

(1) Remove the imprinted form set from the imprinter and snap out the carbons.

(2) Discard the carbons and stub.

(3) Verify that all information (including validation plate and limitation plate imprints) is clearly imprinted on the authorization (bottom) part, and that the date, office number, and amount are correct, clear, and completely legible on all parts.

(4) Have the customer verify that the imprinted amount is correct.

(5) Collect payment for the face amount of the money order and the fee for issuance. Give the customer the customer's receipt (top part of the form set).

(6) Remind the customer to complete the *Paid To* and *Purchased By* portions of the receipt, since a completed receipt must be presented whenever an inquiry is made.

(7) Place the voucher (middle part of the form set) in the proper receptacle for end of the day reporting. Maintain voucher copies of form sets in numerical sequence (first 10 digits) and keep such voucher copies separate from voucher copies of domestic money orders.

(8) Replace the limitation plate in the storage slot.

(9) Move the amount keys back to their asterisk position.

(10) Remove the validation plate from the imprinter after each transaction, if the imprinter is used by other postal employees.

(11) When a Form 6083 is required, place the date stamp where indicated and enter *Authorization No.* (first 10 digits) above the words *Money Order No.* Do not write on the line next to *Money Order No.*

(12) Provide the information called for on Form 6701 or 6701-A under the heading *For Official Use Only*. Staple the green authorization (bottom part of the form set) to Form 6701 or 6701-A at the place indicated on that form. When applicable, attach Form 6083 by stapling where indicated. Mail Form 6701 or 6701-A and attached documents each day by regular mail to the Money Order Division at the address shown on the back of the form.

(13) Do not collect postage for the transmission of the money order to the country of payment. Enclosures are prohibited transmission with international money orders.

493.5 Procedures for Cashing Money Orders Issued by Foreign Countries

Valid international postal money orders shall be paid in accordance with the procedures for cashing domestic money orders (see *Postal Service Manual*). Canadian domestic money orders may be paid only if they are addressed to a payee within the United States and the amount is expressed in United States currency.

493.6 Lost Reissued Money Orders

Report the facts concerning lost reissued money orders, (an international money order sent to the United States by a foreign country and reissued on a domestic form to the payee in the United States), to Money Order Division, Box 14964, St. Louis, MO 63182.

493.7 Inquiries

.71 Who May Receive Information

Postal employees shall not disclose information concerning money order transactions to any person except the purchaser, the payee, the endorsee, or a duly authorized agent of one of these. Compliance with all other requests may be authorized by the Office of Mail Classification, International Mail Classification Division, Room 1610, U.S. Postal Service, Washington, D.C. 20260, only if the request concerns a specific money order or a specific party to a money order transaction, and is accompanied by a valid court order.

.72 Inquiries Regarding Payment

Handle as follows:

a. Money Orders Issued on Domestic Form – Customers should send a letter of inquiry to the Money Order Division, Semi-Domestic Unit, Postal Data Center, Box 14974, St. Louis, MO 63182.

b. Money Orders Issued Pursuant to an International Money Order Authorization Form – Send Form 6684, *Inquiry Concerning International Money Order Issued in the United States*, to Money Order Division, Postal Data Center, Box 14964, St. Louis, MO 63182, for order issued in the United States. Inquiries should not be made until 30 days after the issue date of the money order.

c. Orders Issued on Domestic Forms by Other Countries – Send directly to the country of origin all inquiries, applications for duplicates, and requests for photostats of domestic money orders issued in countries listed in 493.22.

493.8 Refunds

The amount of an international money order shall not be refunded to the purchaser unless the country of payment has given notice that the money order has not been paid and will not be paid. Verify Form 6684, *Inquiry Concerning International Money Order Issued in the United States*, by referring to the information on the customer's receipt. Send requests for refunds to Money Order Division, Postal Data Center, Box 14964, St. Louis, MO 63182.

493.9 Requests For Photostats Of Paid Money Orders

.91 Photostats Of Paid Domestic Money Orders

.911 Upon request, a photostat of a paid money order issued on a domestic form will be furnished to the purchaser, payee, or endorsee by the Money Order Division, Postal Data Center, Box 14964, St. Louis, MO 63182 upon payment of a charge of 30 cents. Form 6065, *Request for Photo Copy of A Money Order*, shall be completed to show the name and address of the person or firm applying for the photostat. The photostat will be mailed directly to the applicant. Photostats are only available within two years of payment.

.912 The charge for the photostat shall be accounted for by affixing and canceling 30 cents in postage stamps on the back of Form 6065, to the left to the Money Order Division address.

.92 Photostats of Paid Money Orders Issued Pursuant to an International Authorization Form

Upon request, a photostat of a paid money order issued pursuant to an international money order authorization form will be furnished to the purchaser by the Money Order Division, Postal Data Center, Box 14964, St. Louis, MO 63182. Form 6684, *Inquiry Concerning International Money Order Issued in the United States*, shall be completed by the person or firm applying for the photostat. There is no charge for this service.

494 International Express Mail

494.1 International Express Mail Described

International Express Mail is available for high speed, high reliability service to certain countries. International Express Mail is similar to domestic Express Mail, except as provided in this subchapter. There is no service guarantee for International Express Mail. See PSM 180 for description of domestic Express Mail.

494.2 Availability of International Express Mail

.21 International Express Mail is available to countries with which special arrangements have been made. Items accepted, restricted, or prohibited for shipment as International Express Mail and service offerings vary by country of destination (see 494.3).

.22 International Express Mail is available to mailers for shipment of material (as described in 494.3) which is tendered to the Postal Service, properly prepared, and in accordance with the terms of this subchapter as follows:

a. from designated postal facilities throughout the United States; or

b. by prior arrangement pursuant to a service agreement between the Postal Service and the mailer from designated locations throughout the United States.

494.3 Service Offerings

.31 Two service options are available subject to restrictions outlined in 494.32, Custom Designed Service, and 494.33, On Demand Service.

.32 Custom Designed Service

International Express Mail Custom Designed Service is available:

a. on a scheduled basis from designated postal facilities or other designated locations for items tendered in accordance with the Service Agreement (Form 5631, *Express Mail Service-Service Agreement*, and attachments) between the Postal Service and the mailer, subject to the provisions of this subchapter. The designated locations may be any of the following: designated airport facilities, designated post offices, or any address within designated 3-digit ZIP Code areas (See Pub. 97, *Express Mail Custom Designed Service: Service Directory*). Service from facilities or from 3-digit ZIP Code areas not listed is not available (see PSM 182.32); and

b. to the countries and for shipment of the articles specified below:

INTERNATIONAL EXPRESS MAIL CUSTOM DESIGNED SERVICE

Available to	Australia[1]	Belgium[1]	Brazil,[1] France,[1] Hong Kong[2]	Great Britain & Northern Ireland,[1] Netherlands[1]	Japan[3]
For shipments of	business documents, letters, commercial papers	business documents, letters, commerical papers samples of merchanise	business documents, letters, samples of merchandise	business documents, letters, commerical papers	business documents, commercial papers

[1] Service to all points within country.

[2] Service to all points in Hong Kong (including Kowloon and New Territories).

[3] Delivery only to Post Office box addresses at Tokyo International Post Office and Osaka Central Post Office.

[NOTE: Pickup service is available under a service agreement for an added charge for each pickup stop, regardless of the number of pieces picked up. Refer to appropriate table of charges for pickup service in Appendix A. (See 494.512.)]

.33 On Demand Service

International Express Mail On Demand Service is available:

a. at designated postal facilities; and

b. to the countries and for shipment of the articles specified below:

INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE

Available to	Australia,[1] Great Britain & Northern Ireland,[1] Netherlands[2]	Hong Kong[3]
For shipments of	business documents, letters, commercial papers	business documents, letters, samples of merchandise

[1] Service to all points within country.

[2] Available to Amsterdam, the Hague and Rotterdam.

[3] Service to all points in Hong Kong (including Kowloon and New Territories).

[NOTE: Pickup service is available for On Demand Service *only* on a scheduled basis as provided in PSM 182.43.]

494.4 Service Standards

See Table 8-1 in Appendix A.

494.5 Postage

.51 Rates

.511 International Express Mail postage rates are based on zones measured by great circle air miles between the airport serving the origin postal facility and the airport serving the international exchange office as follows:

Zone	Miles	
	Greater than	Up to and including
3	0	300
4	300	600
5	600	1,000
6	1,000	1,400
7	1,400	1,800
8	1,800	2,400
9	2,400	

.512 Refer to table in Appendix A indicated below for International Express Mail Custom Designed and On Demand Service rates to the appropriate country:

Country	Custom Designed Service Rates – Reference	On Demand Service Rates – Reference
Australia	Table 8-2	Table 8-7
Belgium	Table 8-3	No service
Brazil	Table 8-4	No service
France	Table 8-3	No service
Great Britain & Northern Ireland	Table 8-3	Table 8-9
Hong Kong	Table 8-5	Table 8-8
Japan	Table 8-6	No service
Netherlands	Table 8-3	Table 8-9

.52 Payment Method

.521 Mailers of International Express Mail matter may pay postage by adhesive stamps, meter stamps, special permit, or through the use of an Express Mail trust account.

.522 A written application is required before mailings can be made under special permit or postage trust accounts. (See chapter 7 of the Methods Handbook M-68, *Express Mail Service*, for procedures.)

494.6 Insurance and Indemnity

International Express Mail carries document reconstruction insurance against loss, damage, or rifling at no additional cost. Indemnity will be paid by the U.S. Postal Service as outlined in PSM 189.4.

494.7 Weight Limits

See Table 8-10 in Appendix A.

494.8 Preparation for Mailing

.81 Custom Designed Service

.811 Preparation by Sender

a. Prepare the mail as a flat or package with address Label 155, *International Express Mail* (shown in Figure 8-1) on the piece of mail itself. Each piece of International Custom Designed Express Mail must bear Label 155.

b. Prepare appropriate customs declarations specified in Table 8-10 of Appendix A for:

(1) all items to France;

(2) merchandise samples to Brazil;

(3) merchandise samples to Hong Kong.

c. Insert the mail in an Express Mail pouch. A separate pouch must be used for each mail piece.

d. Affix Label 153, *Express Mail Custom Designed Service* (shown in Figure 8-2), to the receipt envelope (P-13). Enter the designated international exchange office on the *To AMF* line and the agreement number. DO NOT ENTER *FROM* OR *TO* ADDRESSES.

e. Complete the appropriate portions of Form 5625, *Express Mail Service Receipt*, (and Form 5625-A, *Express Mail Custom Designed Service Mailing Statement*, for special permit mailings) as for domestic custom designed Express Mail. Apply postage (meter strips or stamps) to the front of Form 5625 in the space provided. This form must accompany all pouches and must be given to the Postal Service acceptance employee. See Figure 8-3.

.812 Preparation by Acceptance Employee

Upon receipt of the pouch(es), verify that each has been properly closed and sealed and check Form 5625 to assure that:

a. Customer has properly completed his portion of the receipt.

b. Customer has properly completed required customs declarations. See 494.811b.

c. Postage has been applied and the amount applied corresponds with the amount(s) entered in the postage block on Form 5625. If adhesive postage stamps have been used, cancel them by drawing several lines across the face of the stamps.

d. Enter on Form 5625 the date, time of acceptance, and signature.

e. Distribute Form 5625 as follows:

(1) Destination post office copy-in the express mail envelope attached to the pouch.

(2) Origin post office copy-to accompany pouch to the origin AMF/ATO.

(3) Customer copy-to the customer as his receipt.

f. Transfer pouch to a relay point for transfer to the international exchange AMF.

.82 On Demand Service

.821 Preparation by Sender

a. Complete the *FROM, VALUE DECLARED,* and *TO* portions of label 11B, *Express Mail Service Post Office to Addressee,* (shown in Figure 8-4), for each piece of mail and affix the completed label to each piece.

b. Prepare the customs declarations specified in Table 8-10 of Appendix A when shipping merchandise samples to Hong Kong (including Kowloon and New Territories).

c. If pickup service or a postage trust account is utilized, prepare Form 5625-B, *Next Day and Same Day Airport Express Mail Service Mailing Statement,* (shown in Figure 8-5).

.822 Preparation by Acceptance Employee

a. Check the address label to ensure that the sender has completed the *FROM, VALUE DECLARED,* AND *TO* portions.

b. Verify that customer has properly completed appropriate customs declarations for shipment of merchandise samples to Hong Kong (including Kowloon and New Territories).

c. Enter the originating facility ZIP Code, date and time received, weight and postage, and initial. Ensure that the correct postage is applied to the shipment.

d. Grasp the prepared address label at stub and snap apart. Give the customer receipt copy to the mailer and retain the finance copy. Peel off backing of remaining portion and affix to article.

e. After acceptance, place each piece of Express Mail in the appropriate working pouch and forward to the international exchange AMF authorized to handle On Demand International Express Mail.

Figure 8-1, International Express Mail Label 155

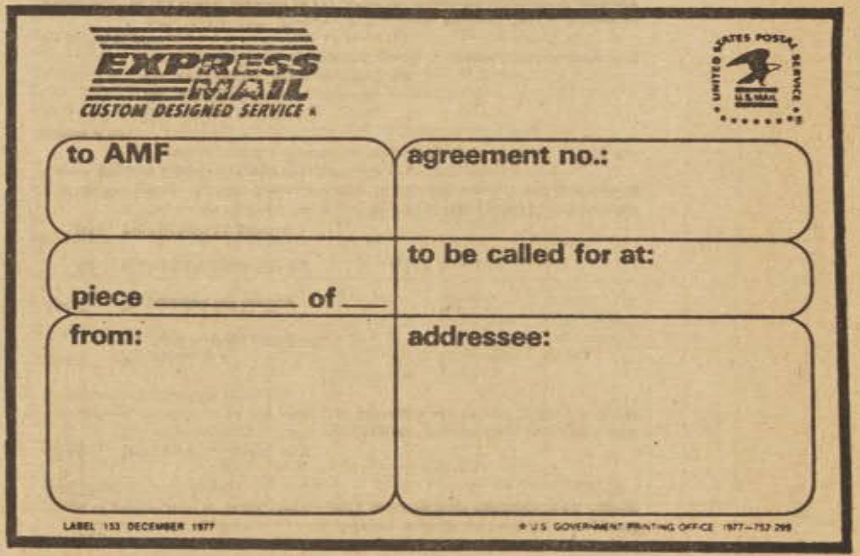

Figure 8-2, Custom Designed Express Mail Service Label 153.

SPECIAL SERVICE

U.S. POSTAL SERVICE
MAILING STATEMENT FOR NEXT DAY AND SAME DAY AIRPORT EXPRESS MAIL SERVICE

MAILED BY:	TENDERED BY (Signature)	TRUST ACCOUNT	AGREEMENT NO.

ITEM	SERIAL NO.	ITEM	SERIAL NO.	ITEM	SERIAL NO.	ITEM	SERIAL NO.	ITEM	SERIAL NO.	ITEM	SERIAL NO.
1		14		27		40		53		66	
2		15		28		41		54		67	
3		16		29		42		55		68	
4		17		30		43		56		69	
5		18		31		44		57		70	
6		19		32		45		58		71	
7		20		33		46		59		72	
8		21		34		47		60		73	
9		22		35		48		61		74	
10		23		36		49		62		75	
11		24		37		50		63		76	
12		25		38		51		64		77	
13		26		39		52		65		78	

APPLY POSTAGE FOR PICK-UP HERE (Next Day Service Only)	PICKED UP BY (Signature)	DATE	TIME	POSTAGE TOTAL	
	RECEIVED BY CLERK (Signature)	DATE	TIME	NEXT DAY SERVICE PICK UP CHARGE (if any)	
	AT (Post Office and Unit)			TOTAL	

PS Form 5625-B
July 1977

FINANCE OFFICE – COPY 1

Figure 8-5, Mailing Statement for Next Day and Same Day Airport Express Mail Service (Form 5625-B).

Figure 8-5

SPECIAL SERVICE

Figure 8-4

U.S. POSTAL SERVICE
EXPRESS MAIL SERVICE RECEIPT

FROM

TO BE CALLED FOR AT

ADDRESS

VALUE DECLARED (if any) $

AGREEMENT NO.

POUCH ____ OF ____

PICK-UP CHARGE (if any) $

BASIC RATE $

DELIVERY CHARGE (if any) $

TOTAL POSTAGE $

TRUST ACCT

POSTAGE (Apply here. Use reverse side of this check if necessary)

1. RECEIVED FROM CUSTOMER — DATE — TIME — BY

2. WEIGHT

3. RECEIVED BY DELIVERING EMPLOYEE — DATE — TIME — BY

4. RECEIVED BY ADDRESSEE — DATE — TIME — BY

1. ORIGIN POST OFFICE COPY

PS Form 5625
June 1977

Figure 8-3, Express Mail Service Receipt (Form 5625).

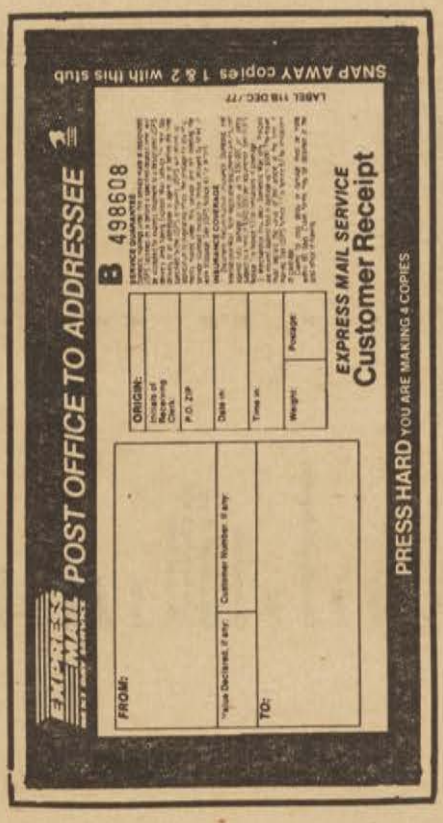

Figure 8-4, Express Mail Post Office to Addressee address label 11B.

532 GENERAL EXPORT LICENSES

* * *

532.2 Restricted Destinations of General Export Licenses

The U. S. Department of Commerce imposes particular restrictions on exports to the following countries. An "X" in the following chart indicates shipments under that license are not permitted. Otherwise, use of the general license symbol is permitted.

GENERAL LICENSE SYMBOLS NOT PERMITTED[1]

DESTINATION	GIFT	G-DEST	GLV	GTDA	GTDR	GUS	BAGGAGE
Albania			X				
Bulgaria			X				
China (People's Republic)			X				
Cuba[2]		X[3]			X		
Czechoslovakia			X				
East Germany (Soviet zone including Soviet Sector of Berlin)			X				
Estonia			X				
Hungary			X				
Kampuchea	X	X[3]	X		X		
Latvia			X				
Lithuania			X				
Mongolia			X				
North Korea[2]	X	X[3]	X		X		
Poland			X				
Rhodesia	X[2]	X[3]	X		X		
Rumania			X[4]				
USSR			X				
Vietnam (Socialist Republic of)		X[3]	X		X		

[1] When in doubt as to whether specific items are exportable under any general license, consult the Office of Export Administration, U.S. Department of Commerce, Washington, DC 20230, or any Commerce Department district office.

[2] Postal union and parcel post packages of merchandise are not accepted to Cuba, Kampuchea (Democratic), and North Korea, nor under a general license GIFT to Rhodesia.

[3] For Cuba, Kampuchea (Democratic), North Korea, and Vietnam (Socialist Republic of), general license G-DEST may be used only for unclassified printed matter and developed motion picture film. For Southern Rhodesia, it may be used only for specified printed matter and silent and sound, exposed and developed motion picture film of a news and documentary nature only. All other commodities require a special license and it is the Commerce Department's general policy to deny most special license requests for exports to the countries listed in this section.

[4] Certain commodities may be shipped to Rumania under general license GLV, up to the dollar value limits specified on the "Commodity Control List" (part 399.1 of the Export Control Regulations) and in the Commerce Department Export Administration Regulations.

* * *

541 LICENSING REQUIREMENTS

* * *

541.2 Mail Exempt from License

* * *

.212 Exports under this exemption may not be made for articles destined for or originating in:

Albania
Bulgaria
China (People's Republic)
Cuba
Czechoslovakia
East Germany
Estonia
Hungary
Kampuchea (Democratic)
Latvia
Lithuania
Mongolia
North Korea
Poland
Rumania
U. S. S.R.
Vietnam (Socialist Republic of)
Any other area which is under de facto communist control

* * *

622 SHORTPAID MAIL

* * *

622.1 Marking and Computation of Postage Due Except for Letters from Canada

* * *

.12 Computation of Postage Due at Receiving U. S. Exchange Office

The receiving U. S. exchange office multiplies the fraction by the U. S. international surface letter rate of postage for the first weight unit (15 cents for Mexico, and 20 cents for all other countries). A 20 cent handling charge is then added.

$$T \frac{\text{shortpaid amount}}{\text{surface letter rate of postage to U.S.}} \times \frac{\text{U.S. international surface letter rate}}{}$$

plus a 20 cent handling charge = POSTAGE DUE

The amount of the postage due is accounted for by affixing and canceling postage-due stamps.

* * *

625 RETURNED MAIL

* * *

625.2 Post offices will collect charges on returned mail as follows:

a. On returned second-class publications mailed to Canada by publishers or registered news agents: 10 cents for the first 2 ounces, and 6 cents for each additional ounce.

* * *

630 FOREIGN MARKINGS INSTEAD OF STAMPS

Some articles of foreign origin do not bear postage stamps, but instead are marked POSTAGE PAID, ON POSTAL SERVICE, SERVICE DES POSTES, TAXE PERCUE, PORT PAYE, TP, or PP, with a postmark. The marking ON HER MAJESTY'S SERVICE or O.H.M.S. is also sometimes used. This mail is treated as prepaid.

* * *

821 CUSTOMS EXAMINATION OF POTENTIALLY DUTIABLE OR PROHIBITED MAIL

821.1 What is Subject to Examination

All mail originating outside the customs territory of the United States (i.e., outside the 50 States, the District of Columbia, and Puerto Rico) is subject to customs examination, *except the following:*

* * *

d. Refer to PSM 115.91(b), 115.94 and 115.96 for customs examination procedures to be followed for mail addressed for delivery in the Virgin Islands, Guam, and Puerto Rico respectively.

* * *

821.3 Examination of Registered Mail

The postmaster or other designated postal employee must be present when registered mail and sealed letter class mail (except non-registered sealed letter class mail bearing a green customs label) is opened by customs officers for examination. After customs treatment, the customs officer will repack and reseal the mail.

* * *

821.6 Failure to Receive Customs Treatment

.61 Forwarding

Unsealed mail (PSM 115.232) which appears to contain dutiable merchandise or prohibited items, but not to have received customs treatment, should be labled *FOR CUSTOMS INSPECTION* and sent:

a. If unregistered, under cover to the nearest customs office listed in **821.62** below.

b. If registered, to the postmaster of the city where the customs office is located so that the mail may be handled in accordance with **821.3**.

.62 U. S. Customs Offices

Customs officers at the following locations are authorized (1) to give customs treatment to mail that has passed through the port of entry without being examined (see **821.61** above), and (2) to consider protests by addressees who are dissatisfied with the assessed value, rate, or amount of duty charged (see **822.23**).

ALABAMA:
Birmingham 35203
Mobile 36602

ALASKA:
Anchorage 99502
Fairbanks 99701
Juneau 99801
Ketchikan 99901

ARIZONA:
Nogales 85621
Phoenix 85026

ARKANSAS:
Little Rock 72201

CALIFORNIA:
Calexico 92231
Eureka 95501
Los Angeles 90013
Oakland 94615
San Diego 92101
San Francisco 94105

COLORADO:
Denver 80202

CONNECTICUT:
Bridgeport 06609
Hartford 06101
New Haven 06511
New London 06320

DELAWARE:
Wilmington 19801

DISTRICT OF COLUMBIA:
Washington 20007

FLORIDA:
Jacksonville 32201
Key West 33041
Miami 33132
Port Everglades 33316
Tampa 33601
West Palm Beach 33404

GEORGIA:
Atlanta 30308
Savannah 31401

HAWAII:
Honolulu 96806

ILLINOIS:
Chicago 60607
Peoria 61601

INDIANA:
Evansville 47708
Indianapolis 46204
Lawrenceburg 47025

KENTUCKY:
Louisville 40202

LOUISIANA:
Baton Rouge 70805
Lake Charles 70601
Morgan City 70380
New Orleans 70133

MAINE:
Bangor 04401
Portland 04111

MARYLAND:
Baltimore 21202

MASSACHUSETTES:
Boston 02109
Lawrence 01840
Springfield 01101
Worcester 01601

MICHIGAN:
Detroit 48226
Port Huron 48060
Sault Ste. Marie 49784

MINNESOTA:
Duluth 55802
Int'l Falls 56668
Minneapolis 55401

MISSISSIPPI:
Gulfport 39501

MISSOURI:
Kansas City 64106
St. Louis 63101

MONTANA:
Great Falls 59401

NEBRASKA:
Omaha 68102

NEVADA:
Las Vegas 89101
Reno 89501

NEW MEXICO:
Columbus 88029

NEW YORK
Albany 12207
Buffalo 14203
New York 10014
Ogdensburg 13669
Rochester 14614
Rouses Pt. 12979
Syracuse 13201

NORTH CAROLINA:
Beaufort 28516
Charlotte 28208
Durham 27701
Morehead City 28557
Reidsville 27320
Wilmington 28401
Winston-Salem 27101

NORTH DAKOTA:
Pembina 58271

OHIO:
Akron 44312
Ashtabula 44004
Cincinnati 45202
Cleveland 44114
Columbus 43214
Dayton 45202
Sandusky 44879
Toledo 43624

OKLAHOMA:
Oklahoma City 73125
Tulsa 74101

OREGON:
Portland 97209

PENNSYLVANIA:
Philadelphia 19106
Pittsburgh 15219

PUERTO RICO:
Mayaguez 00709
Ponce 00731
San Juan 00903

RHODE ISLAND:
Providence 02903

SOUTH CAROLINA:
Charleston 29401
Greenville 29602

TENNESSEE:
Chattanooga 37401
Memphis 38103
Nashville 37203

TEXAS:
Beaumont 77704
Brownsville 78520
Corpus Christi 78403
Dallas 75222
Del Rio 78840
Eagle Pass 78852
El Paso 79901
Galveston 77550
Houston 77052
Laredo 78040
Port Arthur 77640
San Antonio 78206

UTAH:
Salt Lake City 84101

VERMONT:
Burlington 05402
St. Albans 05478

VIRGINIA:
Norfolk 23510
Richmond 23240

VIRGIN ISLANDS
Charlotte Amalie 00802
Christiansted 00802
Frederiksted 00802

WASHINGTON:
Oroville 98844
Seattle 98104
Spokane 99201
Tacoma 98402

WISCONSIN:
Green Bay 54301
Milwaukee 53202

* * *

822 TREATMENT OF DUTIABLE MAIL AT DELIVERY OFFICE

* * *

822.2 Delivery of Dutiable Mail

* * *

.212 Form 3849-A, *Delivery Notice or Receipt*, and its supplement, Form 3849-B, *Delivery Reminder or Receipt*, are used to notify addressees of the arrival of dutiable mail.

* * *

.52 Reporting Uncollected Items

.521 Complete Form 2933, Register of Uncollected Customs Charges, in duplicate, listing uncollected items in numerical order according to the 7-digit serial numbers on Customs Form 3419.

.522 Forward original Form 2933, both copies of Custom Form 3419, and the supporting Customs Form 3342, Declaration for Free Entry of Gifts and/or Authorization to Postmaster to Deliver Mail Importation Conditionally Free of Duty, or other statements, if any, to the Regional Commissioner of Customs, Attention: Financial Management Division, U.S. Customs House, 6 World Trade Center, New York, NY 10048.

* * *

822.6 Refund of Customs Duty

.61 Actions by Postmasters

.611 Amounts collected on Customs Form 3419, Customs Mail Entry, *are not* refundable by postmasters. An addressee who requests a refund of duty shall be advised to make application to the customs office that issued the mail entry form *within 90 days* from the date the duty is paid. If refund is claimed for damage, it is suggested that the package be forwarded with the application. If the addressee wishes to abandon the package to the Government, he should so state in his application.

Refer to 822.612 for procedure to be followed when addressee desires to request a refund of duty from the U.S. Customs Service and intends to file an indemnity claim with the U.S. Postal Service.

.612 In case the addressee desires to request a refund of duty from the U.S. Customs Service and intends to file an indemnity claim with the U.S. Postal Service, he shall present the contents, container, and complete wrapping to the postmaster for the inspection prescribed in Form 2855, *Claim for Indemnity – International Insured Mail*.

Following this inspection, the postmaster accepting the claim will provide the claimant with a positive statement to the effect that:

a. The U.S. Postal Service has accepted the damage claim and abandonment of the merchandise;

b. The package, its wrapper and contents with no commercial value have been presented to and retained by the U.S. Postal Service; and

c. Documentation including the customer's yellow receipt copy of the Mail Entry, Customs Form 3419, indicates that customs duty in X- amount was paid by the customer.

This statement provided to the customer by the postmaster is to accompany the customer's application to the U.S. Customs Service for refund of duty; presentation of the package will not be required by the U.S. Customs Service.

* * *

830 PLANT AND ANIMAL QUARANTINE INSPECTION

831 WHAT IS SUBJECT TO INSPECTION

All packages that contain plants, plant products, soil, plant pests, plant material used for packing generally, animals, animal products and byproducts including meats, are subject to agriculture quarantine inspection by the U. S. Department of Agriculture. (PSM 115.92)

* * *

923 PROCESSING INQUIRIES

923.1 Mail Exchanged with All Countries

* * *

.122 If the sender has failed to receive a return receipt for which a fee was paid, an inquiry, at no charge, should be filed. (See 923.2 and 923.3 for inquiry procedures.) Attach a return receipt (Form 2865) to the appropriate inquiry form and endorse the receipt DUPLICATE. Forward the inquiry form and the Form 2865 to the appropriate adjusting exchange office (see 933.121).

* * *

923.2 Mail Exchanged with Countries Other Than Canada

.21 Forms Used

.211 Form 541, *Inquiry About an Ordinary Article (Other Than Parcel Post)*, is used in processing inquiries relating to the disposition, loss, rifling, damage, delay, or wrong delivery of outgoing or incoming ordinary postal union mail.

* * *

923.3 Mail Exchanged with Canada

.31 Forms Used

.311 Form 1510, *Mail Nondelivery Report*, is used in processing inquiries relating to:

a. The disposition, loss, rifling, damage, delay, or wrong delivery of outgoing or incoming registered or ordinary mail.

b. The loss, rifling, damage, delay, or wrong delivery of incoming insured parcels.

* * *

.321 Disposition or Loss of Outgoing Ordinary or Registered Mail

* * *

c. If the reply indicates no loss, complete part VI and send it and the original of part II to the sender.

d. If the reply indicates loss:

(1) For *registered mail*, write the dispatch particulars on the blank reverse side of part II of Form 1510 and send both copies, with the results of your findings, to the Postmaster, Registry Section, Chicago, IL 60607.

(2) For *ordinary mail*, mail part VI to the sender, and submit part II in duplicate, with the results of your findings, to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607.

.322 Disposition or Loss of Incoming Ordinary or Registered Mail

* * *

d. If the reply indicates no loss, complete and appropriately alter part VI; send it and the original of part II to the addressee.

e. If the reply indicates loss:

* * *

(2) For *ordinary mail*, mail part VI, completed and appropriately altered, to the addressee, and submit part II in duplicate, with the results of your findings, to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607

.323 Rifling, Damage, Delay, or Wrong Delivery of Outgoing or Incoming Ordinary or Registered Mail

* * *

b. Send Form 1510, with envelope or wrapper, if available, to the Postmaster, Claims and Inquiry Section, Chicago, IL 60607. If not available, so state.

* * *

.34 Incoming Insured Parcels

.341 If inquiries (complaints) originate in the United States and relate to loss, rifling, damage, delay, or wrong delivery of insured parcels mailed to the United States from Canada:

* * *

b. Send the original of parts II and III, with the packing of the parcel, if available, to the postmaster at the mailing office in Canada. If the packing has been destroyed or otherwise disposed of, endorse the complaint accordingly.

* * *

III. Rates and Summary Conditions

SURFACE RATES – LETTERS & LETTER PACKAGES

WEIGHT STEPS *Over* .... *Through*	A	B	C
lbs. oz. .... lbs. oz.	CANADA	MEXICO	All Countries except Canada & Mexico
0 1	REFER TO TABLE 3-2 FOR RATES TO CANADA AND MEXICO		$0.20
0 1 .... 0 2			.36
0 2 .... 0 3			.48
0 3 .... 0 4			
0 4 .... 0 5			.96
0 5 .... 0 6			
0 6 .... 0 7			
0 7 .... 0 8			
0 8 .... 0 9			1.84
0 9 .... 0 10			
0 10 .... 0 11			
0 11 .... 0 12			
0 12 .... 0 13			
0 13 .... 1 0			
1 0 .... 1 8			3.20
1 8 .... 2 0			
2 0 .... 2 8			5.20
2 8 .... 3 0			
3 0 .... 3 8			
3 8 .... 4 0			
			MAXIMUM WEIGHT = 4 LBS.

Table 3-1

AIR RATES – LETTERS & LETTER PACKAGES

WEIGHT STEPS					A	B	C
					Canada & Mexico	Colombia, Venezuela, Central America, the Caribbean Islands, Bahamas, Bermuda, St. Pierre & Miquelon	All Other Countries
						25 cents per half ounce up to and including 2 ounces; 21 cents each additional half ounce	31 cents per half ounce up to and including 2 ounces; 26 cents each additional half ounce.
Over		...	*Through*		15 cents first ounce; 13 cents each additional ounce.	(Includes airmail letters from American Samoa to Western Samoa & from Guam to the Phillipines)	
lbs.	oz.	...	lbs.	oz.			
			0	½	.15	.25	.31
0	½	...	0	1		.50	.62
0	1	...	0	1½	.28	.75	.93
0	1½	...	0	2		1.00	1.24
0	2	...	0	2½	.41	1.21	1.50
0	2½	...	0	3		1.42	1.76
0	3	...	0	3½	.54	1.63	2.02
0	3½	...	0	4		1.84	2.28
0	4	...	0	4½	.67	2.05	2.54
0	4½	...	0	5		2.26	2.80
0	5	...	0	5½	.80	2.47	3.06
0	5½	...	0	6		2.68	3.32
0	6	...	0	6½	.93	2.89	3.58
0	6½	...	0	7		3.10	3.84
0	7	...	0	7½	1.06	3.31	4.10
0	7½	...	0	8		3.52	4.36

Table 3-2 (p. 1)

AIR RATES – LETTERS & LETTER PACKAGES (Cont.)

WEIGHT STEPS					A	B	C
Over		...	*Through*		(For column headings, see page 1 of this table)		
lbs.	oz.	...	lbs.	oz.			
0	8	...	0	8½	1.19	3.73	4.62
0	8½	...	0	9		3.94	4.88
0	9	...	0	9½	1.32	4.15	5.14
0	9½	...	0	10		4.36	5.40
0	10	...	0	10½	1.45	4.57	5.66
0	10½	...	0	11		4.78	5.92
0	11	...	0	11½	1.58	4.99	6.18
0	11½	...	0	12		5.20	6.44
0	12	...	0	12½	2.25	5.41	6.70
0	12½	...	0	13		5.62	6.96
0	13	...	0	13½		5.83	7.22
0	13½	...	0	14		6.04	7.48
0	14	...	0	14½		6.25	7.74
0	14½	...	0	15		6.46	8.00
0	15	...	0	15½		6.67	8.26
0	15½	...	1	0		6.88	8.52
1	0	...	1	8	2.50	21¢ per ½ ounce or fraction & $6.72 per pound, thereafter, up to a MAXIMUM of 4 pounds	26¢ per ½ ounce or fraction & $8.32 per pound, thereafter, up to a MAXIMUM of 4 pounds
1	8	...	2	0	2.83		
2	0	...	2	8	3.16		
2	8	...	3	0	3.50		
3	0	...	3	8	3.83		
3	8	...	4	0	4.16		
MAXIMUM WEIGHT TO MEXICO 4 LBS.							
4	0	...	4	8	4.50		
4	8	...	5	0	4.83		
5	0	...	6	0	5.50		
6	0	...	7	0	6.16		
7	0	...	8	0	6.83		
8	0	...	9	0	7.49		
9	0	...	10	0	8.16		
10	0	...	11	0	8.83		
11	0	...	12	0	9.49		
12	0	...	13	0	10.16		
13	0	...	14	0	10.82		
14	0	...	15	0	11.49		

NOTE: Aerogrammes (see 425) are sold at a single rate of 22¢ each and may be sent to all countries.

Table 3-2 (p. 2)

AIR RATES – LETTERS & LETTER PACKAGES (Cont.)

WEIGHT STATES Over			Through		A	B	C
					(For column headings, see page 1 of this table)		
lbs.	oz.	...	lbs.	oz.			
15	0	...	16	0	12.16		
16	0	...	17	0	12.82		
17	0	...	18	0	13.49		
18	0	...	19	0	14.15		
19	0	...	20	0	14.82		
20	0	...	21	0	15.49		
21	0	...	22	0	16.15		
22	0	...	23	0	16.82		
23	0	...	24	0	17.48		
24	0	...	25	0	18.15		
25	0	...	26	0	18.82		
26	0	...	27	0	19.48	MAXIMUM WEIGHT LIMIT 4 POUNDS	MAXIMUM WEIGHT LIMIT 4 POUNDS
27	0	...	28	0	20.15		
28	0	...	29	0	20.81		
29	0	...	30	0	21.48		
30	0	...	31	0	22.15		
31	0	...	32	0	22.81		
32	0	...	33	0	23.48		
33	0	...	34	0	24.14		
34	0	...	35	0	24.81		
35	0	...	36	0	25.48		
36	0	...	37	0	26.14		
37	0	...	38	0	26.81		
38	0	...	39	0	27.47		
39	0	...	40	0	28.14		
40	0	...	41	0	28.81		
41	0	...	42	0	29.47		
42	0	...	43	0	30.14		
43	0	...	44	0	30.80		
44	0	...	45	0	31.47		

AIR RATES – LETTERS & LETTER PACKAGES (Cont.)

WEIGHT STATES Over			Through		A	B	C
					(For column headings, see page 1 of this table)		
lbs.	oz.	...	lbs.	oz.			
45	0	...	46	0	32.14		
46	0	...	47	0	32.80		
47	0	...	48	0	33.47		
48	0	...	49	0	34.13		
49	0	...	50	0	34.80		
50	0	...	51	0	35.47		
51	0	...	52	0	36.13		
52	0	...	53	0	36.80		
53	0	...	54	0	37.46		
54	0	...	55	0	38.13		
55	0	...	56	0	38.80	MAXIMUM WEIGHT LIMIT 4 POUNDS	MAXIMUM WEIGHT LIMIT 4 POUNDS
56	0	...	57	0	39.46		
57	0	...	58	0	40.13		
58	0	...	59	0	40.79		
59	0	...	60	0	41.46		
					MAXIMUM WEIGHT LIMIT TO CANADA 60 POUNDS		

NOTE: Aerogrammes (see 425) are sold at a single rate of 22¢ each and may be sent to all countries.

SUMMARY CONDITIONS – LETTERS & LETTER PACKAGES

A. WEIGHT LIMITS
All countries except Canada ..... 4 pounds
Canada ..... 60 pounds

B. SIZE LIMITS
1. MAXIMUM DIMENSIONS
- maximum length: 24 inches (36 inches if sent in the form of a roll)
- maximum length, breadth, and thickness combined: 36 inches (42 inches if sent in the form of a roll, measured by the length plus twice the diameter)
2. MINIMUM DIMENSIONS
- minimum length of address side: 5 1/2 inches (4 inches if sent in the form of a roll)
- minimum length and width of address side: 5 1/2 X 3 1/2 inches (6 3/4 inches if sent in the form of a roll, measured by the length plus twice the diameter)

C. PREPARATION REQUIREMENTS (See 221.3)
1. Sealing is optional, unless registered (see 444.11 for sealing requirements for registered letters or letter packages).
2. The use of tape or stickers to seal *aerogrammes* is prohibited; no enclosures are permitted in aerogrammes.

D. FORMS REQUIRED
1. Form 2976, Green Customs Label (See 221.42)
- completed and placed by sender on address side of each letter or letter package containing dutiable merchandise. [NOTE: The top portion, at a minimum, must be affixed].
2. Form 2976-A, *Customs Declaration* (See 221.43)
- completed and enclosed by sender in articles whose content value exceeds $120 when otherwise required by the country of destination (see appendix B), or when sender does not choose to reveal contents on Form 2976.

E. MARKING AND ENDORSING
1. Whenever articles, because of size or manner of preparation, may be mistaken for articles of another class, sender should add the word *LETTER* or *LETTRE* on the address side.
2. If sent airmail, sender should affix *Label 19* or add the words *PAR AVION* (in blue color) immediately below the return address.

Table 3-3

RATES AND SUMMARY CONDITIONS – POST CARDS

Rates

	SURFACE	AIR
Countries other than Canada and Mexico	14¢ each	21¢ each
Canada and Mexico[1]		10¢ each

[1] Post cards to Canada and Mexico receive first class service in the United States and air service in Canada and Mexico.

Summary Conditions

A. WEIGHT LIMITS Approximately the quality and weight of a postal card.

B. SIZE LIMITS
MAXIMUM: 6 X 4 1/4 inches
MINIMUM: 5 1/2 X 3 1/2 inches

C. PREPARATION REQUIREMENTS (See 223.3)
1. Reply-paid cards and folded (double) cards are not accepted in international mail.
2. Cards must be sent unenclosed.
3. See 223.22 for permissible attachments and other requirements.

D. FORMS REQUIRED None.

E. MARKING AND ENDORSING
If sent airmail, sender should affix *Label 19* or add the words *PAR AVION* (in blue color) immediately below the return address.

Table 3-4

SURFACE RATES – REGULAR PRINTED MATTER

<table>
<tr><th>WEIGHT STEPS
Over ... Through</th><th>A
Canada</th><th>B
Mexico</th><th>C
PUAS Countries[1] (except Canada & Mexico)</th><th>D
All Other Countries</th></tr>
<tr><td>0 oz ... 2 oz</td><td colspan="4">.20</td></tr>
<tr><td>2 oz ... 4 oz</td><td colspan="4">.40</td></tr>
<tr><td>4 oz ... 6 oz</td><td colspan="2">.53</td><td colspan="2" rowspan="2">.66</td></tr>
<tr><td>6 oz ... 8 oz</td><td colspan="2">.66</td></tr>
<tr><td>8 oz ... 10 oz</td><td colspan="2">.79</td><td colspan="2" rowspan="4">1.05</td></tr>
<tr><td>10 oz ... 12 oz</td><td colspan="2">.92</td></tr>
<tr><td>12 oz ... 14 oz</td><td colspan="2">1.05</td></tr>
<tr><td>14 oz ... 1 lb</td><td colspan="2">1.18</td></tr>
<tr><td>1 lb ... 2 lb</td><td colspan="4">1.26</td></tr>
<tr><td>2 lb ... 4 lb</td><td colspan="4">1.68</td></tr>
<tr><td>4 lb ... 11 lb</td><td rowspan="2">MAXIMUM LIMIT of 4 pounds, except as follows: .84 per additional 2 pounds or fraction for catalogs & directories, up to 11 pounds</td><td rowspan="2">.84 per additional 2 pounds or fraction up to

MAXIMUM LIMIT
of
22 pounds</td><td rowspan="2">MAXIMUM LIMIT of 4 pounds, except as follows: .84 per additional 2 pounds or fraction for catalogs & directories, up to 11 pounds</td></tr>
<tr><td>11 lb ... 22 lb</td></tr>
<tr><td>22 lb ... 66 lb
DIRECT SACKS[2]</td><td colspan="3">.84 each 2 pounds or fraction to all countries
(MINIMUM of 22 pounds,
MAXIMUM of 66 pounds – sack & contents)</td></tr>
</table>

[1] PUAS Countries include Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costal Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras Republic, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain & Possessions (Balearic Islands, Canary Islands, the Spanish offices in Northern Africa), Uruguay & Venezuela.
[2] Direct sacks to one addressee only.

Table 3-5

SURFACE RATES – BOOKS & SHEET MUSIC

<table>
<tr><th>WEIGHT STEPS
Over ... Through</th><th>A
Canada</th><th>B
Mexico</th><th>C
PUAS Countries[1] (except Canada, Mexico, Spain, & Possessions)</th><th>D
Spain & Possessions</th><th>E
All Other Countries</th></tr>
<tr><td>0 lb ... 1 lb</td><td colspan="5">.48</td></tr>
<tr><td>1 lb ... 2 lb</td><td colspan="5">.66</td></tr>
<tr><td>2 lb ... 4 lb</td><td colspan="5">.84</td></tr>
<tr><td>4 lb ... 6 lb</td><td colspan="5">1.26</td></tr>
<tr><td>6 lb ... 8 lb</td><td colspan="5">1.68</td></tr>
<tr><td>8 lb ... 10 lb</td><td colspan="5">2.10</td></tr>
<tr><td>10 lb ... 11 lb</td><td colspan="3" rowspan="2">2.52</td><td colspan="2" rowspan="2"></td></tr>
<tr><td>11 lb ... 12 lb</td></tr>
<tr><td>12 lb ... 14 lb</td><td rowspan="6">MAXIMUM LIMIT of 11 pounds</td><td colspan="2">2.94</td><td rowspan="6">MAXIMUM LIMIT of 11 pounds</td></tr>
<tr><td>14 lb ... 16 lb</td><td colspan="2">3.36</td></tr>
<tr><td>16 lb ... 18 lb</td><td colspan="2">3.78</td></tr>
<tr><td>18 lb ... 20 lb</td><td colspan="2">4.20</td></tr>
<tr><td>20 lb ... 22 lb</td><td colspan="2">4.62</td></tr>
<tr><td></td><td colspan="2">MAXIMUM LIMIT of 22 pounds</td></tr>
<tr><td>22 lb ... 66 lb
DIRECT SACKS TO ONE ADDRESSEE ONLY</td><td>.42 each 2 pounds or fraction</td><td>.42 each 2 pounds or fraction</td><td colspan="2">.42 each 2 pounds or fraction</td><td></td></tr>
<tr><td></td><td colspan="5">MINIMUM of 22 pounds – MAXIMUM of 66 pounds
(sack & contents)</td></tr>
</table>

[1] PUAS Countries include Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras Republic, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain & Possessions (Balearic Islands, Canary Islands, the Spanish offices in Northern Africa), Uruguay, & Venezuela.

Table 3-6

SURFACE RATES – SECOND-CLASS PUBLICATIONS[1]

WEIGHT STEPS *Over* ... *Through*	A PUAS Countries[2] (except Canada)	B Canada & All Other Countries
0 oz ... 2 oz	.08	
2 oz ... 4 oz	.11	
4 oz ... 8 oz	.20	
8 oz ... 1 lb	.36	
1 lb ... 2 lb	.60	
2 lb ... 4 lb	.84	
4 lb ... 22 lb	.42 each additional 2 pounds or fraction up to a MAXIMUM LIMIT of 22 pounds	.42 each additional 2 pounds or fraction up to a MAXIMUM LIMIT of 30 pounds (Canada only)
22 lb ... 30 lb INDIVIDUAL PIECES ONLY	MAXIMUM LIMIT of 22 pounds	All Others have MAXIMUM LIMIT of 4 pounds
22 lb ... 66 lb DIRECT SACKS TO ONE ADDRESSEE ONLY	.42 each 2 pounds or fraction	.42 each 2 pounds or fraction
	MINIMUM – 22 lb; MAXIMUM – 66 lb (sack & contents)	

[1] No separate rates are provided for nonprofit publications or classroom publications. These second-class publications are subject to the rates in this table. Complete sample copies may also be mailed at those rates, whether or not the number of such sample copies exceeds 10 percent of the subscriber copies. Copies mailed by the public are subject to the regular printed matter rates in TABLE 3-5.

[2] PUAS countries include Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras Republic, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain & Possessions (Balearic Islands, Canary Islands, the Spanish offices in Northern Africa), Uruguay, & Venezuela.

Table 3-7

SURFACE RATES – CONTROLLED CIRCULATION PUBLICATIONS[1]

WEIGHT STEPS *Over* ... *Through*	A PUAS Countries[2] (except Canada)	B Canada & All Other Countries
0 oz ... 2 oz	.09	
2 oz ... 4 oz	.12	
4 oz ... 8 oz	.23	
8 oz ... 1 lb	.41	
1 lb ... 2 lb	.68	
2 lb ... 4 lb	.95	
4 lb ... 22 lb	.47 each additional 2 pounds or fraction up to a MAXIMUM LIMIT of 22 pounds	.47 each additional 2 pounds or fraction up to a MAXIMUM LIMIT of 30 pounds (Canada Only)
22 lb ... 30 lb INDIVIDUAL PIECES ONLY	MAXIMUM LIMIT of 22 pounds	All Others have MAXIMUM LIMIT of 4 pounds
22 lb ... 66 lb DIRECT SACKS TO ONE ADDRESSEE ONLY	.47 each 2 pounds or fraction	
	MINIMUM – 22 lb; MAXIMUM – 66 lb (sack & contents)	

[1] Rates for periodicals are approved domestically as controlled circulation publications may be mailed at the rates in this table when mailed by the publishers only. Copies mailed by the public are subject to the regular printed matter rates in TABLE 3-3.

[2] PUAS countries include Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras Republic, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain & Possessions (Balearic Islands, Canary Islands, the Spanish offices in Northern Africa), Uruguay, & Venezuela.

Table 3-8

AO AIR RATES – ALL PRINTED MATTER, MATTER FOR THE BLIND, & SMALL PACKETS

WEIGHT STEPS *Over . . . Through* lbs. oz. lbs. oz.	A Canada [NOTE: AO articles sent by air must be prepared as letter mail, subject to the conditions for mailing summarized in Table 3-3]	B Mexico, Colombia, Venezuela, Central America, the Caribbean Islands, Bahamas, Bermuda, & St. Pierre & Miquelon (Also, from American Samoa to Western Samoa, & from Guam to the Phillipines) 60 cents for the first 2 ounces and 16 cents for each additional 2 ounces.	C South America (except Colombia & Venezuela), Europe (except Estonia, Latvia, Lithuania, & U.S.S.R.), & Mediterranean Africa 73 cents for the first 2 ounces and 29 cents for each additional 2 ounces.	D Estonia, Latvia, Lithuania, U.S.S.R., Asia, the Pacific, & Africa (other than Mediterranean 86 cents for the first 2 ounces and 42 cents for each additional 2 ounces.
0 . . . 0 1	REFER TO TABLE 3-2, COL. A FOR RATES TO CANADA	.60	.73	.86
0 1 . . . 0 2				
0 2 . . . 0 3		.76	1.02	1.28
0 3 . . . 0 4				
0 4 . . . 0 5		.92	1.31	1.70
0 5 . . . 0 6				
0 6 . . . 0 7		1.08	1.60	2.12
0 7 . . . 0 8				
0 8 . . . 0 9		1.24	1.89	2.54
0 9 . . . 0 10				
0 10 . . . 0 11		1.40	2.18	2.96
0 11 . . . 0 12				
0 12 . . . 0 13		1.56	2.47	3.38
0 13 . . . 0 14				
0 14 . . . 0 15		1.72	2.76	3.80
0 15 . . . 1 0				

Table 3-9 (p. 1)

AO AIR RATES – ALL PRINTED MATTER, MATTER FOR THE BLIND, & SMALL PACKETS (Cont.)

Over . . . Through lbs. oz. . . . lbs. oz.	A (For column headings, see page 1 of this table)	B	C	D
1 0 . . . 1 2	REFER TO TABLE 3-2, COL. A FOR RATES TO CANADA	1.88	3.05	4.22
1 2 . . . 1 4		2.04	3.34	4.64
1 4 . . . 1 6		2.20	3.63	5.06
1 6 . . . 1 8		2.36	3.92	5.48
1 8 . . . 1 10		2.52	4.21	5.90
1 10 . . . 1 12		2.68	4.50	6.32
1 12 . . . 1 14		2.84	4.79	6.74
1 14 . . . 2 0		3.00	5.08	7.16
2 0 . . . 2 2		3.16	5.37	7.58
2 2 . . . 2 4		3.32	5.66	8.00
2 4 . . . 2 6		3.48	5.95	8.42
2 6 . . . 2 8		3.64	6.24	8.84
2 8 . . . 2 10		3.80	6.53	9.26
2 10 . . . 2 12		3.96	6.82	9.68
2 12 . . . 2 14		4.12	7.11	10.10
2 14 . . . 3 0		4.28	7.40	10.52
3 0 . . . 3 2		4.44	7.69	10.94
3 2 . . . 3 4		4.60	7.98	11.36
3 4 . . . 3 6		4.76	8.27	11.78
3 6 . . . 3 8		4.92	8.56	12.20
3 8 . . . 3 10		5.08	8.85	12.62
3 10 . . . 3 12		5.24	9.14	13.04
3 12 . . . 3 14		5.40	9.43	13.46
3 14 . . . 4 0		5.56	9.72	13.88
4 0 . . . 4 2		5.72	10.01	14.30
4 2 . . . 4 4		5.88	10.30	14.72
4 4 . . . 4 6		6.04	10.59	15.14
4 6 . . . 4 8		6.20	10.88	15.56
4 8 . . . 4 10		6.36	11.17	15.98
4 10 . . . 4 12		6.52	11.46	16.40
4 12 . . . 4 14		6.68	11.75	16.82
4 14 . . . 5 0		6.84	12.04	17.24

Table 3-9 (p. 2)

AO AIR RATES – ALL PRINTED MATTER, MATTER FOR THE BLIND, & SMALL PACKETS (Cont.)

Over . . . Through lbs. oz. lbs. oz.	A	B	C	D
	(For column headings, see page 1 of this table)			
5 0 . . . 5 2	↑ REFER	7.00	12.33	17.66
5 2 . . . 5 4		7.16	12.62	18.08
5 4 . . . 5 6		7.32	12.91	18.50
5 6 . . . 5 8		7.48	13.20	18.92
5 8 . . . 5 10		7.64	13.49	19.34
5 10 . . . 5 12		7.80	13.78	19.76
5 12 . . . 5 14		7.96	14.07	20.18
5 14 . . . 6 0	TO	8.12	14.36	20.60
6 0 . . . 6 2		8.28	14.65	21.02
6 2 . . . 6 4		8.44	14.94	21.44
6 4 . . . 6 6	TABLE 3-2,	8.60	15.23	21.86
6 6 . . . 6 8		8.76	15.52	22.28
6 8 . . . 6 10		8.92	15.81	22.70
6 10 . . . 6 12		9.08	16.10	23.12
6 12 . . . 6 14	COL. A	9.24	16.39	23.54
6 14 . . . 7 0		9.40	16.68	23.96
7 0 . . . 7 2		9.56	16.97	24.38
7 2 . . . 7 4	FOR	9.72	17.26	24.80
7 4 . . . 7 6		9.88	17.55	25.22
7 6 . . . 7 8		10.04	17.84	25.64
7 8 . . . 7 10		10.20	18.13	26.06
7 10 . . . 7 12	RATES	10.36	18.42	26.48
7 12 . . . 7 14		10.52	18.71	26.90
7 14 . . . 8 0		10.68	19.00	27.32
8 0 . . . 8 2	TO	10.84	19.29	27.74
8 2 . . . 8 4		11.00	19.58	28.16
8 4 . . . 8 6		11.16	19.87	28.58
8 6 . . . 8 8		11.32	20.16	29.00
8 8 . . . 8 10	CANADA	11.48	20.45	29.42
8 10 . . . 8 12		11.64	20.74	29.84
8 12 . . . 8 14		11.80	21.03	30.26
8 14 . . . 9 0	↓	11.96	21.32	30.68

Table 3-9 (p. 3)

AO AIR RATES – ALL PRINTED MATTER, MATTER FOR THE BLIND, & SMALL PACKETS (Cont.)

Over . . . Through lbs. oz. lbs. oz.	A	B	C	D
	(For column headings, see page 1 of this table)			
9 0 . . . 9 2	↑ REFER	12.12	21.61	31.10
9 2 . . . 9 4		12.28	21.90	31.52
9 4 . . . 9 6		12.44	22.19	31.94
9 6 . . . 9 8		12.60	22.48	32.36
9 8 . . . 9 10		12.76	22.77	32.78
9 10 . . . 9 12		12.92	23.06	33.20
9 12 . . . 9 14	TO	13.08	23.35	33.62
9 14 . . . 10 0		13.24	23.64	34.04
10 0 . . . 10 2		13.40	23.93	34.46
10 2 . . . 10 4	TABLE 3-2,	13.56	24.22	34.88
10 4 . . . 10 6		13.72	24.51	35.30
10 6 . . . 10 8		13.88	24.80	35.72
10 8 . . . 10 10	COL. A	14.04	25.09	36.14
10 10 . . . 10 12		14.20	25.38	36.56
10 12 . . . 10 14		14.36	25.67	36.98
10 14 . . . 11 0	FOR	14.52	25.96	37.40
11 0 LIMIT		For weights over 11 pounds, compute the rate for the pounds alone at *$1.28* per lb, & add the rate for the ounces as shown at the beginning of this table.	For weights over 11 pounds, compute the rate for the pounds alone at *$2.32* per lb, & add the rate for the ounces as shown at the beginning of this table.	MAXIMUM WEIGHT of 11 POUNDS
SEE WEIGHT LIMITS FOR INDIVIDUAL PIECES UNDER WEIGHT LIMITS BELOW	RATES TO CANADA ↓			

Table 3-9 (p. 4)

AO AIR RATES – ALL PRINTED MATTER, MATTER FOR THE BLIND, & SMALL PACKETS (Cont.)

Over . . . Through lbs. oz. lbs. oz.	A	B	C	D
	(For column headings, see page 1 of this table)			
11 0 . . . LIMIT *(cont'd from bottom of p. 4)*	MAXIMUM WEIGHT of 60 POUNDS	If there are no ounces, add *.44* to the rate at *$1.28* per pound.	If there are no ounces, add *.44* to the rate at *$2.32* per pound.	
22 0 . . . 66 0 DIRECT SACKS TO ONE ADDRESSEE ONLY	Calculate rates as indicated above.			Compute the rate for the pounds alone at *$3.36* per lb, & add the rate for the ounces as shown at the beginning of this table. If there are no ounces, add *.44* to the total rate computed at *$3.36* per pound.
	MINIMUM WEIGHT – 22 pounds, MAXIMUM WEIGHT – 66 pounds (sack & contents)			

SUMMARY CONDITIONS – PRINTED MATTER

A. WEIGHT LIMITS

	Regular Printed Matter	Books & Sheet Music	Second-Class & Controlled Circulation Publications
INDIVIDUAL PACKAGES			
Canada	4 pounds[2]	11 pounds	30 pounds[3]
PUAS Countries[1] (except Canada)	22 pounds	22 pounds	22 pounds
All Other Countries	4 pounds[2]	11 pounds	4 pounds
DIRECT SACKS TO ONE ADDRESSEE[4]			
All Countries except Canada	MINIMUM – 22 pounds, MAXIMUM – 66 pounds		
Canada only	MINIMUM – 22 pounds, MAXIMUM – 60 pounds		

[1] See Footnote 2 in Table 3-7 or Table 3-8.

[2] Packages of catalogs and directories may weigh up to *11 pounds*, but are subject to the postage rates for regular printed matter [Table 3-5].

[3] Packages or bundles of second-class and controlled circulation publications mailed to Canada by publishers or registered news agents may weigh up to *30 pounds*. When mailed by other than publishers or news agents, the weight limit is *4 pounds*.

[4] The above weight limits do not apply to the individual packages included in the sack.

B. SIZE LIMITS

1. Prints in envelopes or in package form:
   MAXIMUM DIMENSIONS
   - maximum length: 24 inches (36 inches if sent in the form of a roll)
   - maximum length, breadth, and thickness combined: 36 inches (42 inches if sent in the form of a roll, measured by the length plus twice the diameter)
   MINIMUM DIMENSIONS
   - minimum length of address side: 5 1/2 inches (4 inches if sent in the form of a roll)
   - minimum length and width of address side: 5 1/2 X 3 1/2 inches (6 3/4 inches if sent in the form of a roll, measured by length plus twice the diameter)
2. Prints in the form of single cards:
   - MINIMUM: 5 1/2 X 3 1/2 inches - MAXIMUM: 6 X 4 1/4 inches
3. Direct sacks to one addressee:
   - sacks are obtained from the local post office.
   - above size limits do not apply to the individual packages included in the sack.

C. PREPARATION REQUIREMENTS (See 221.3 and 224.5)
Sealing is permitted, whether or not registered. (See 221.332.)

[NOTE: Direct sacks of prints may not be registered.]

D. FORMS REQUIRED (See 224.6)

1. For all dutiable printed matter:

- Form 2976, Green Customs Label (see 221.42), completed by sender on address side of each package containing dutiable prints.

- Form 2976-A, *Customs Declaration* (see 221.43), completed and enclosed by sender in packages whose content value exceeds $120, when otherwise required by the country of destination – see appendix B, or when sender does not choose to list contents on Form 2976.

2. For second-class and controlled circulation publications (when postage is to be paid in cash or from money on deposit with the postmaster):

- Form 3541, *Statement of Mailing – Second-Class Publications*, or Form 3541-A, *Statement of Mailing – Controlled Circulation Publications*, prepared by the postal retail employee.

- Form 3543, *Record of Second-Class Postage*, prepared by the publisher or news agent.

E. MARKING AND ENDORSING

1. If surface mail, sender must endorse the address side of all cards, envelopes, wrappers, or packages with a specific identification of the type of printed matter being sent. (See 224.71 for specific endorsements.)

2. If sent airmail, sender should affix *Label 19* or add the words *PAR AVION* (in blue color) immediately below the return address. Sender must also endorse the address side with the words *PRINTED MATTER*.

3. The endorsement *PRINTED MATTER* may appear in the ad plate area of postage meter stamps. The words *PRINTED MATTER* must be in bold, capital letters no smaller than 18-point type.

RATES AND SUMMARY CONDITIONS – MATTER FOR THE BLIND

Rates

A. SURFACE RATES

1. FREE to all countries, for items acceptable as matter for the blind (see *225.2* for items accepted). [Note weight limit below.]

2. Items not acceptable as matter for the blind are subject to the regular international rates of postage.

B. AIR RATES

Items accepted as matter for the blind are subject to AO air rates listed in table 3-9. [Note weight limit below.]

Summary Conditions

C. WEIGHT LIMITS

All countries.....15 pounds

D. SIZE LIMITS

1. MAXIMUM DIMENSIONS

- maximum length: 24 inches (36 inches if sent in the form of a roll)

- maximum length, breadth, and thickness combined: 36 inches (42 inches if sent in the form of a roll, measured by the length plus twice the diameter)

2. MINIMUM DIMENSIONS

- minimum length of address side: 5 1/2 inches (4 inches if sent in the form of a roll)

- minimum length and width of address side: 5 1/2 X 3 1/2 inches (6 3/4 inches if sent in the form of a roll, measured by the length plus twice the diameter)

E. PREPARATION REQUIREMENTS (See 221.3)

Envelopes or wrappers must be unsealed, even if registered, to permit easy examination.

F. FORMS REQUIRED None.

G. MARKING AND ENDORSING

1. For surface mail accepted as matter for the blind, the word *FREE* must be placed in the upper right corner, immediately above the words *MATTER FOR THE BLIND*.

2. For airmail accepted as matter for the blind, the words *MATTER FOR THE BLIND* must be placed in the upper right corner near the stamps.

3. The officially recognized institution for the blind must appear in the address or the return address for the following items:

- Discs, tapes, or wires bearing voice recordings.

- Special paper intended solely for the use of the blind

SURFACE RATES – SMALL PACKETS[1]

WEIGHT STEPS *Over . . . Up To*	A Canada	B Mexico	C All Other Countries
0 . . . 2 oz	.20		
2 oz . . . 4 oz	.40		
4 oz . . . 6 oz	.53		.66
6 oz . . . 8 oz	.66		
8 oz . . . 10 oz	.79		1.05
10 oz . . . 12 oz	.92		
12 oz . . . 14 oz	1.05		
14 oz . . . 1 lb	1.18		
1 lb . . . 2 lb	MAXIMUM LIMIT FOR CANADA is 1 pound	$1.26 MAXIMUM LIMIT FOR MEXICO is 2 pounds	$1.26 MAXIMUM LIMIT for Australia, Bolivia, Burma, Chile, & Colombia is 1 pound MAXIMUM LIMIT for all other countries is 2 pounds

[1] AIR RATES
Items accepted as small packets are subject to AO air rates listed in TABLE 3-9. [Note weight limit below.]

Table 3-12

SUMMARY CONDITIONS – SMALL PACKETS

A. WEIGHT LIMITS
Australia, Bolivia, Burma, Canada, Chile, and Colombia ..... 1 pound
All other countries ..... 2 pounds

B. SIZE LIMITS
1. MAXIMUM DIMENSIONS
- maximum length: 24 inches (36 inches if sent in the form of a roll)
- maximum length, breadth, and thickness combined: 36 inches (42 inches if sent in the form of a roll, measured by the length plus twice the diameter)

2. MINIMUM DIMENSIONS
- minimum length of address side: 5 1/2 inches (4 inches if sent in the form of a roll)
- minimum length and width of address side: 5 1/2 X 3 1/2 inches (6 3/4 inches if sent in the form of a roll, measured by the length plus twice the diameter)

C. PREPARATION REQUIREMENTS (See 221.3)
1. Small packets may be sealed, whether or not registered.
2. See 226.2 for permitted and prohibited enclosures.

D. FORMS REQUIRED
SMALL PACKETS, WHETHER OR NOT THEY ARE SUBJECT TO CUSTOMS INSPECTION, MUST BEAR THE FOLLOWING:
- Form 2976, Green Customs Label (see 221.42), completed and placed by sender on address side.
- Form 2976-A, *Customs Declaration* (see 221.43), completed and enclosed by sender in the small packet.

E. MARKING AND ENDORSING
1. Sender must mark in bold letters on address side the words *SMALL PACKET* or its equivalent in a language known in the country of destination:
PETIT PAQUET (French) *PACKCHEN* (German)
PEQUENO PAQUETE (Spanish)
2. If sent airmail, sender should affix *Label 19* or add the words *PAR AVION* (in blue color) immediately below the return address.
3. The endorsement *SMALL PACKET* may appear in the ad plate area of postage meter stamps. The words *SMALL PACKET* must be in bold, capital letters no smaller than 18-point type.

Table 3-13

SURFACE PARCEL RATES – PARCEL POST

WEIGHT STEPS	A	B	WEIGHT STEPS	A	B
	Canada, Mexico, Central America, the Caribbean Islands, Bahamas, Bermuda, & St. Pierre & Miquelon	All Other Countries		Canada, Mexico, Central America, the Caribbean Islands, Bahamas, Bermuda, & St. Pierre & Miquelon	All Other Countries
	$2.19 for the first 2 pounds and 52 cents for each additional pound or fraction.	$2.34 for the first 2 pounds and 59 cents for each additional pound or fraction.			
Over . . . Through			*Over . . . Through*		
0 lb . . . 2 lb	2.19	2.34	22 lb . . . 23 lb	13.11	14.73
2 lb . . . 3 lb	2.71	2.93	23 lb . . . 24 lb	13.63	15.32
3 lb . . . 4 lb	3.23	3.52	24 lb . . . 25 lb	14.15	15.91
4 lb . . . 5 lb	3.75	4.11	25 lb . . . 26 lb	14.67	16.50
5 lb . . . 6 lb	4.27	4.70	26 lb . . . 27 lb	15.19	17.09
6 lb . . . 7 lb	4.79	5.29	27 lb . . . 28 lb	15.71	17.68
7 lb . . . 8 lb	5.31	5.88	28 lb . . . 29 lb	16.23	18.27
8 lb . . . 9 lb	5.83	6.47	29 lb . . . 30 lb	16.75	18.86
9 lb . . . 10 lb	6.35	7.06	30 lb . . . 31 lb	17.27	19.45
10 lb . . . 11 lb	6.87	7.65	31 lb . . . 32 lb	17.79	20.04
11 lb . . . 12 lb	7.39	8.24	32 lb . . . 33 lb	18.31	20.63
12 lb . . . 13 lb	7.91	8.83	33 lb . . . 34 lb	18.83	21.22
13 lb . . . 14 lb	8.43	9.42	34 lb . . . 35 lb	19.35	21.81
14 lb . . . 15 lb	8.95	10.01	35 lb . . . 36 lb	19.87	22.40
15 lb . . . 16 lb	9.47	10.60	36 lb . . . 37 lb	20.39	22.99
16 lb . . . 17 lb	9.99	11.19	37 lb . . . 38 lb	20.91	23.58
17 lb . . . 18 lb	10.51	11.78	38 lb . . . 39 lb	21.43	24.17
18 lb . . . 19 lb	11.03	12.37	39 lb . . . 40 lb	21.95	24.76
19 lb . . . 20 lb	11.55	12.96	40 lb . . . 41 lb	22.47	25.35
20 lb . . . 21 lb	12.07	13.55	41 lb . . . 42 lb	22.99	25.94
21 lb . . . 22 lb	12.59	14.14	42 lb . . . 43 lb	23.51	26.53
			43 lb . . . 44 lb[1]	24.03	27.12

SEE BOTTOM OF TABLE 3-15 FOR MAXIMUM WEIGHT LIMITS OF EACH COUNTRY TO WHICH SURFACE PARCELS ARE PERMITTED

[1] For parcels addressed to *Panama* weighing over 44 pounds but not over 70 pounds, charge $20.00 for the first *40 pounds* plus the rate given above for the remaining pounds.

Table 3-14

AIR PARCEL RATES -- PARCEL POST

Afghanistan	Albania	Algeria	Weight Steps Over	Through	Andorra	Angola	Argentina	Ascension
0-4oz. $3.14 add'l 4oz. or part $1.20	0-4oz. $3.33 add'l 4oz. or part $0.79	0-4oz. $2.71 add'l 4oz. or part $0.80	Lb. Oz.	Lb. Oz.	0-4oz. $2.79 add'l 4oz. or part $0.70	0-4oz. $2.93 add'l 4 oz. or part $1 01	0-4oz. $2.46 add'l 4oz. or part $1.07	
$3.14	$3.33	$2.71	0 0	0 4	$2.79	$2.93	$2.46	
4.34	4.12	3.51	0 4	0 8	3.49	3.94	3.53	
5.54	4.91	4.31	0 8	0 12	4.19	4.95	4.60	
6.74	5.70	5.11	0 12	1 0	4.89	5.96	5.67	
7.94	6.49	5.91	1 0	1 4	5.59	6.97	6.74	
9.14	7.28	6.71	1 4	1 8	6.29	7.98	7.81	
10.34	8.07	7.51	1 8	1 12	6.99	8.99	8.88	
11.54	8.86	8.31	1 12	2 0	7.69	10.00	9.95	
12.74	9.65	9.11	2 0	2 4	8.39	11.01	11.02	
13.94	10.44	9.91	2 4	2 8	9.09	12.02	12.09	
15.14	11.23	10.71	2 8	2 12	9.79	13.03	13.16	
16.34	12.02	11.51	2 12	3 0	10.49	14.04	14.23	
17.54	12.81	12.31	3 0	3 4	11.19	15.05	15.30	
18.74	13.60	13.11	3 4	3 8	11.89	16.06	16.37	
19.94	14.39	13.91	3 8	3 12	12.59	17.07	17.44	
21.14	15.18	14.71	3 12	4 0	13.29	18.08	18.51	
22.34	15.97	15.51	4 0	4 4	13.99	19.09	19.58	
23.54	16.76	16.31	4 4	4 8	14.69	20.10	20.65	
24.74	17.55	17.11	4 8	4 12	15.39	21.11	21.72	
25.94	18.34	17.91	4 12	5 0	16.09	22.12	22.79	
27.14	19.13	18.71	5 0	5 4	16.79	23.13	23.86	
28.34	19.92	19.51	5 4	5 8	17.49	24.14	24.93	
29.54	20.71	20.31	5 8	5 12	18.19	25.15	26.00	
30.74	21.50	21.11	5 12	6 0	18.89	26.16	27.07	
31.94	22.29	21.91	6 0	6 4	19.59	27.17	28.14	
33.14	23.08	22.71	6 4	6 8	20.29	28.18	29.21	
34.34	23.87	23.51	6 8	6 12	20.99	29.19	30.28	
35.54	24.66	24.31	6 12	7 0	21.69	30.20	31.35	
36.74	25.45	25.11	7 0	7 4	22.39	31.21	32.42	
37.94	26.24	25.91	7 4	7 8	23.09	32.22	33.49	
39.14	27.03	26.71	7 8	7 12	23.79	33.23	34.56	
40.34	27.82	27.51	7 12	8 0	24.49	34.24	35.63	
41.54	28.61	28.31	8 0	8 4	25.19	35.25	36.70	
42.74	29.40	29.11	8 4	8 8	25.89	36.26	37.77	
43.94	30.19	29.91	8 8	8 12	26.59	37.27	38.84	
45.14	30.98	30.71	8 12	9 0	27.29	38.28	39.91	
46.34	31.77	31.51	9 0	9 4	27.99	39.29	40.98	
47.54	32.56	32.31	9 4	9 8	28.69	40.30	42.05	
48.74	33.35	33.11	9 8	9 12	29.39	41.31	43.12	
49.94	34.14	33.91	9 12	10 0	30.09	42.32	44.19	
$48.00	$31.60	$32.00	Rates over 10 lbs 10 lb incremental rate[1]		$28.00	$40.40	$42.80	
22 LBS.	22 LBS.	44 LBS.	Maximum weight limit		44 LBS.	22 LBS.	44 LBS.	

[1] *For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.*

TABLE 3-15 (p.1)

* * *

AIR PARCEL RATES -- PARCEL POST

Burundi	Cameroon	Canada	Weight Steps Over	Through	Cape Verde	Central African Empire	Chad
0-4oz. $2.76 add'l 4oz. or part $1.07	0-4oz. $2.79 add'l 4oz. or part $0.82		Lb. Oz.	Lb. Oz.	0-4oz. $2.72 add'l 4oz. or part $0.81	0-4oz. $2.76 add'l 4oz. or part $1.07	0-4oz. $2.76 add'l 4oz. or part $1.07
$2.76	$2.79		0 0	0 4	$2.72	$2.76	$2.76
3.83	3.71		0 4	0 8	3.53	3.83	3.83
4.90	4.63		0 8	0 12	4.34	4.90	4.90
5.97	5.55		0 12	1 0	5.15	5.97	5.97
7.04	6.47		1 0	1 4	5.96	7.04	7.04
8.11	7.39		1 4	1 8	6.77	8.11	8.11
9.18	8.31		1 8	1 12	7.58	9.18	9.18
10.25	9.23		1 12	2 0	8.39	10.25	10.25
11.32	10.15		2 0	2 4	9.20	11.32	11.32
12.39	11.07		2 4	2 8	10.01	12.39	12.39
13.46	11.99		2 8	2 12	10.82	13.46	13.46
14.53	12.91		2 12	3 0	11.63	14.53	14.53
15.60	13.83		3 0	3 4	12.44	15.60	15.60
16.67	14.75		3 4	3 8	13.25	16.67	16.67
17.74	15.67		3 8	3 12	14.06	17.74	17.74
18.81	16.59		3 12	4 0	14.87	18.81	18.81
19.88	17.51		4 0	4 4	15.68	19.88	19.88
20.95	18.43		4 4	4 8	16.49	20.95	20.95
22.02	19.35		4 8	4 12	17.30	22.02	22.02
23.09	20.27		4 12	5 0	18.11	23.09	23.09
24.16	21.19		5 0	5 4	18.92	24.16	24.16
25.23	22.11		5 4	5 8	19.73	25.23	25.23
26.30	23.03		5 8	5 12	20.54	26.30	26.30
27.37	23.95		5 12	6 0	21.35	27.37	27.37
28.44	24.87		6 0	6 4	22.16	28.44	28.44
29.51	25.79		6 4	6 8	22.97	29.51	29.51
30.58	26.71		6 8	6 12	23.78	30.58	30.58
31.65	27.63		6 12	7 0	24.59	31.65	31.65
32.72	28.55		7 0	7 4	25.40	32.72	32.72
33.79	29.47		7 4	7 8	26.21	33.79	33.79
34.86	30.39		7 8	7 12	27.02	34.86	34.86
35.93	31.31		7 12	8 0	27.83	35.93	35.93
37.00	32.23		8 0	8 4	28.64	37.00	37.00
38.07	33.15		8 4	8 8	29.45	38.07	38.07
39.14	34.07		8 8	8 12	30.26	39.14	39.14
40.21	34.99		8 12	9 0	31.07	40.21	40.21
41.28	35.91		9 0	9 4	31.88	41.28	41.28
42.35	36.83		9 4	9 8	32.69	42.35	42.35
43.42	37.75		9 8	9 12	33.50	43.42	43.42
44.49	38.67		9 12	10 0	34.31	44.49	44.49
$42.80	$36.80		Rates over 10 lbs 10 lb incremental rate[1]		$32.40	$42.80	$42.80
22 LBS.	22 LBS.	See Appendix Part 8	Maximum weight limit		22 LBS.	44 LBS.	44 LBS.

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.5)

AIR PARCEL RATES -- PARCEL POST

Corsica	Costa Rica	Cuba	Weight Steps Over	Through	Cyprus	Czechoslovakia	Denmark	Djibouti
0-4oz. $2.98 add'l 4oz. or part $0.86	0-4oz $2.06 add'l 4oz. or part $0.43		Lb Oz	Lb Oz	0-4oz. $2.88 add'l 4oz. or part $0.85	0-4oz $2.17 add'l 4oz. or part $0.76	0-4oz. $2.14 add'l 4oz. or part $0.72	0-4oz. $2.89 add'l 4 oz. or part $1.03
$2.98	$2.06		0 0	0 4	$2.88	$2.17	$2.14	$2.89
3.64	2.49		0 4	0 8	3.73	2.93	2.86	3.92
4.30	2.92		0 8	0 12	4.58	3.69	3.58	4.95
4.96	3.35		0 12	1 0	5.43	4.45	4.30	5.98
5.62	3.78		1 0	1 4	6.28	5.21	5.02	7.01
6.28	4.21		1 4	1 8	7.13	5.97	5.74	8.04
6.94	4.64		1 8	1 12	7.98	6.73	6.46	9.07
7.60	5.07		1 12	2 0	8.83	7.49	7.18	10.10
8.26	5.50		2 0	2 4	9.68	8.25	7.90	11.13
8.92	5.93		2 4	2 8	10.53	9.01	8.62	12.16
9.58	6.36		2 8	2 12	11.38	9.77	9.34	13.19
10.24	6.79		2 12	3 0	12.23	10.53	10.06	14.22
10.90	7.22		3 0	3 4	13.08	11.29	10.78	15.25
11.56	7.65		3 4	3 8	13.93	12.05	11.50	16.28
12.22	8.08		3 8	3 12	14.78	12.81	12.22	17.31
12.88	8.51		3 12	4 0	15.63	13.57	12.94	18.34
13.54	8.94		4 0	4 4	16.48	14.33	13.66	19.37
14.20	9.37		4 4	4 8	17.33	15.09	14.38	20.40
14.86	9.80		4 8	4 12	18.18	15.85	15.10	21.43
15.52	10.23		4 12	5 0	19.03	16.61	15.82	22.46
16.18	10.66		5 0	5 4	19.88	17.37	16.54	23.49
16.84	11.09		5 4	5 8	20.73	18.13	17.26	24.52
17.50	11.52		5 8	5 12	21.58	18.89	17.98	25.55
18.16	11.95		5 12	6 0	22.43	19.65	18.70	26.58
18.82	12.38		6 0	6 4	23.28	20.41	19.42	27.61
19.48	12.81		6 4	6 8	24.13	21.17	20.14	28.64
20.14	13.24		6 8	6 12	24.98	21.93	20.86	29.67
20.80	13.67		6 12	7 0	25.83	22.69	21.58	30.70
21.46	14.10		7 0	7 4	26.68	23.45	22.30	31.73
22.12	14.53		7 4	7 8	27.53	24.21	23.02	32.76
22.78	14.96		7 8	7 12	28.38	24.97	23.74	33.79
23.44	15.39		7 12	8 0	29.23	25.73	24.46	34.82
24.10	15.82		8 0	8 4	30.08	26.49	25.18	35.85
24.76	16.25		8 4	8 8	30.93	27.25	25.90	36.88
25.42	16.68		8 8	8 12	31.78	28.01	26.62	37.91
26.08	17.11		8 12	9 0	32.63	28.77	27.34	38.94
26.74	17.54		9 0	9 4	33.48	29.53	28.06	39.97
27.40	17.97		9 4	9 8	34.33	30.29	28.78	41.00
28.06	18.40		9 8	9 12	35.18	31.05	29.50	42.03
28.72	18.83		9 12	10 0	36.03	31.81	30.22	43.06
$26.40	$17.20		Rates over 10 lbs 10 lb incremental rate[1]		$34.00	$30.40	$28.80	$41.20
44 LBS.	44 LBS.		Maximum weight limit		44 LBS.	44 LBS.	44 LBS.	44 LBS.

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.7)

AIR PARCEL RATES -- PARCEL POST

Dominican Republic	East Timor	Ecuador	Egypt	Weight Steps Over	Through	El Salvador	Equatorial Guinea	Estonia
0-4oz. $2.24 add'l 4oz. or part $0.36		0-4oz. $2.78 add'l 4oz. or part $0.48	0-4oz. $2.32 add'l 4oz. or part $0.52	Lb. Oz.	Lb. Oz.	0-4oz. $2.21 add'l 4oz. or part $0.44	0-4oz. $2.82 add'l 4oz. or part $1.22	0-4oz. $2.84 add'l 4oz. or part $0.95
$2.24		$2.78	$2.32	0 0	– 0 4	$2.21	$2.82	$2.84
2.60	N	3.26	3.24	0 4	– 0 8	2.65	4.04	3.79
2.96	O	3.74	4.16	0 8	– 0 12	3.09	5.26	4.74
3.32		4.22	5.08	0 12	– 1 0	3.53	6.48	5.69
3.68		4.70	6.00	1 0	– 1 4	3.97	7.70	6.64
4.04		5.18	6.92	1 4	– 1 8	4.41	8.92	7.59
4.40	A	5.66	7.84	1 8	– 1 12	4.85	10.14	8.54
4.76	I	6.14	8.76	1 12	– 2 0	5.29	11.36	9.49
5.12	R	6.62	9.68	2 0	– 2 4	5.73	12.58	10.44
5.48		7.10	10.60	2 4	– 2 8	6.17	13.80	11.39
5.84		7.58	11.52	2 8	– 2 12	6.61	15.02	12.34
6.20		8.06	12.44	2 12	– 3 0	7.05	16.24	13.29
6.56	P	8.54	13.36	3 0	– 3 4	7.49	17.46	14.24
6.92	A	9.02	14.28	3 4	– 3 8	7.93	18.68	15.19
7.28	R	9.50	15.20	3 8	– 3 12	8.37	19.90	16.14
7.64	C	9.98	16.12	3 12	– 4 0	8.81	21.12	17.09
8.00	E	10.46	17.04	4 0	– 4 4	9.25	22.34	18.04
8.36	L	10.94	17.96	4 4	– 4 8	9.69	23.56	18.99
8.72		11.42	18.88	4 8	– 4 12	10.13	24.78	19.94
9.08		11.90	19.80	4 12	– 5 0	10.57	26.00	20.89
9.44		12.38	20.72	5 0	– 5 4	11.01	27.22	21.84
9.80	P	12.86	21.64	5 4	– 5 8	11.45	28.44	22.79
10.16	O	13.34	22.56	5 8	– 5 12	11.89	29.66	23.74
10.52	S	13.82	23.48	5 12	– 6 0	12.33	30.88	24.69
10.88	T	14.30	24.40	6 0	– 6 4	12.77	32.10	25.64
11.24		14.78	25.32	6 4	– 6 8	13.21	33.32	26.59
11.60		15.26	26.24	6 8	– 6 12	13.65	34.54	27.54
11.96		15.74	27.16	6 12	– 7 0	14.09	35.76	28.49
12.32	S	16.22	28.08	7 0	– 7 4	14.53	36.98	29.44
12.68	E	16.70	29.00	7 4	– 7 8	14.97	38.20	30.39
13.04	R	17.18	29.92	7 8	– 7 12	15.41	39.42	31.34
13.40	V	17.66	30.84	7 12	– 8 0	15.85	40.64	32.29
13.76	I	18.14	31.76	8 0	– 8 4	16.29	41.86	33.24
14.12	C	18.62	32.68	8 4	– 8 8	16.73	43.08	34.19
14.48	E	19.10	33.60	8 8	– 8 12	17.17	44.30	35.14
14.84		19.58	34.52	8 12	– 9 0	17.61	45.52	36.09
15.20		20.06	35.44	9 0	– 9 4	18.05	46.74	37.04
15.56		20.54	36.36	9 4	– 9 8	18.49	47.96	37.99
15.92		21.02	37.28	9 8	– 9 12	18.93	49.18	38.94
16.28		21.50	38.20	9 12	– 10 0	19.37	50.40	39.89
$14.40		$19.20	$36.80	Rates over 10 lbs 10 lb incremental rate[1]		$17.60	$48.80	$38.00
44 LBS.		44 LBS.	44 LBS.	Maximum weight limit		44 LBS.	44 LBS.	44 LBS.

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.8)

AIR PARCEL RATES -- PARCEL POST

French Guiana	French Polynesia	Weight Steps Over	Through	Gabon	Gambia	German Democratic Republic
0-4oz. $2.19 add'l 4oz. or part $0.56	0-4oz. $2.70 add'l 4oz. or part $0.76	Lb. Oz.	Lb. Oz.	0-4oz. $2.76 add'l 4oz. or part $1.07	0-4oz. $2.39 add'l 4oz. or part $0.76	0-4oz. $2.10 add'l 4oz. or part $0.70
$2.19	$2.70	0 0	– 0 4	$2.76	$2.39	$2.10
2.75	3.46	0 4	– 0 8	3.83	3.15	2.80
3.31	4.22	0 8	– 0 12	4.90	3.91	3.50
3.87	4.98	0 12	– 1 0	5.97	4.67	4.20
4.43	5.74	1 0	– 1 4	7.04	5.43	4.90
4.99	6.50	1 4	– 1 8	8.11	6.19	5.60
5.55	7.26	1 8	– 1 12	9.18	6.95	6.30
6.11	8.02	1 12	– 2 0	10.25	7.71	7.00
6.67	8.78	2 0	– 2 4	11.32	8.47	7.70
7.23	9.54	2 4	– 2 8	12.39	9.23	8.40
7.79	10.30	2 8	– 2 12	13.46	9.99	9.10
8.35	11.06	2 12	– 3 0	14.53	10.75	9.80
8.91	11.82	3 0	– 3 4	15.60	11.51	10.50
9.47	12.58	3 4	– 3 8	16.67	12.27	11.20
10.03	13.34	3 8	– 3 12	17.74	13.03	11.90
10.59	14.10	3 12	– 4 0	18.81	13.79	12.60
11.15	14.86	4 0	– 4 4	19.88	14.55	13.30
11.71	15.62	4 4	– 4 8	20.95	15.31	14.00
12.27	16.38	4 8	– 4 12	22.02	16.07	14.70
12.83	17.14	4 12	– 5 0	23.09	16.83	15.40
13.39	17.90	5 0	– 5 4	24.16	17.59	16.10
13.95	18.66	5 4	– 5 8	25.23	18.35	16.80
14.51	19.42	5 8	– 5 12	26.30	19.11	17.50
15.07	20.18	5 12	– 6 0	27.37	19.87	18.20
15.63	20.94	6 0	– 6 4	28.44	20.63	18.90
16.19	21.70	6 4	– 6 8	29.51	21.39	19.60
16.75	22.46	6 8	– 6 12	30.58	22.15	20.30
17.31	23.22	6 12	– 7 0	31.65	22.91	21.00
17.87	23.98	7 0	– 7 4	32.72	23.67	21.70
18.43	24.74	7 4	– 7 8	33.79	24.43	22.40
18.99	25.50	7 8	– 7 12	34.86	25.19	23.10
19.55	26.26	7 12	– 8 0	35.93	25.95	23.80
20.11	27.02	8 0	– 8 4	37.00	26.71	24.50
20.67	27.78	8 4	– 8 8	38.07	27.47	25.20
21.23	28.54	8 8	– 8 12	39.14	28.23	25.90
21.79	29.30	8 12	– 9 0	40.21	28.99	26.60
22.35	30.06	9 0	– 9 4	41.28	29.75	27.30
22.91	30.82	9 4	– 9 8	42.35	30.51	28.00
23.47	31.58	9 8	– 9 12	43.42	31.27	28.70
24.03	32.34	9 12	– 10 0	44.49	32.03	29.40
$22.40	$30.40	Rates over 10 lbs 10 lb incremental rate[1]		$42.80	$30.40	$28.00
44 LBS.	44 LBS.	Maximum weight limit		44 LBS.	22 LBS.	Gifts-22 lbs Others-44 lbs

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.10)

AIR PARCEL RATES -- PARCEL POST

Germany (Federal Republic of)	Ghana	Gibraltar	Weight Steps		Gilbert Islands	Great Britain and Northern Ireland	Greece
			Over	Through			
0-4oz. $2.10 add'l 4oz. or part $0.70	0-4oz. $2.82 add'l 4oz. or part $0.92	0-4oz. $2.16 add'l 4oz. or part $0.75	Lb. Oz.	Lb. Oz.	0-4oz. $2.85 add'l 4oz. or part $1.00	0-4oz. $2.08 add'l 4oz. or part $0.65	0-4oz. $2.62 add'l 4oz. or part $0.84
$2.10	$2.92	$2.16	0 0	0 4	$2.66	$2.08	$2.62
2.80	3.84	2.91	0 4	0 8	3.66	2.74	3.46
3.50	4.76	3.66	0 8	0 12	4.66	3.40	4.30
4.20	5.68	4.41	0 12	1 0	5.66	4.06	5.14
4.90	6.60	5.16	1 0	1 4	6.66	4.72	5.98
5.60	7.52	5.91	1 4	1 8	7.66	5.38	6.82
6.30	8.44	6.66	1 8	1 12	8.66	6.04	7.66
7.00	9.36	7.41	1 12	2 0	9.66	6.70	8.50
7.70	10.28	8.16	2 0	2 4	10.66	7.36	9.34
8.40	11.20	8.91	2 4	2 8	11.66	8.02	10.18
9.10	12.12	9.66	2 8	2 12	12.66	8.68	11.02
9.80	13.04	10.41	2 12	3 0	13.66	9.34	11.86
10.50	13.96	11.16	3 0	3 4	14.66	10.00	12.70
11.20	14.88	11.91	3 4	3 8	15.66	10.66	13.54
11.90	15.80	12.66	3 8	3 12	16.66	11.32	14.38
12.60	16.72	13.41	3 12	4 0	17.66	11.98	15.22
13.30	17.64	14.16	4 0	4 4	18.66	12.64	16.06
14.00	18.56	14.91	4 4	4 8	19.66	13.30	16.90
14.70	19.48	15.66	4 8	4 12	20.66	13.96	17.74
15.40	20.40	16.41	4 12	5 0	21.66	14.62	18.58
16.10	21.32	17.16	5 0	5 4	22.66	15.28	19.42
16.80	22.24	17.91	5 4	5 8	23.66	15.94	20.26
17.50	23.16	18.66	5 8	5 12	24.66	16.60	21.10
18.20	24.08	19.41	5 12	6 0	25.66	17.26	21.94
18.90	25.00	20.16	6 0	6 4	26.66	17.92	22.78
19.60	25.92	20.91	6 4	6 8	27.66	18.58	23.62
20.30	26.84	21.66	6 8	6 12	28.66	19.24	24.46
21.00	27.76	22.41	6 12	7 0	29.66	19.90	25.30
21.70	28.68	23.16	7 0	7 4	30.66	20.56	26.14
22.40	29.60	23.91	7 4	7 8	31.66	21.22	26.98
23.10	30.52	24.66	7 8	7 12	32.66	21.88	27.82
23.80	31.44	25.41	7 12	8 0	33.66	22.54	28.66
24.50	32.36	26.16	8 0	8 4	34.66	23.20	29.50
25.20	33.28	26.91	8 4	8 8	35.66	23.86	30.34
25.90	34.20	27.66	8 8	8 12	36.66	24.52	31.18
26.60	35.12	28.41	8 12	9 0	37.66	25.18	32.02
27.30	36.04	29.16	9 0	9 4	38.66	25.84	32.86
28.00	36.96	29.91	9 4	9 8	39.66	26.50	33.70
28.70	37.88	30.66	9 8	9 12	40.66	27.16	34.54
29.40	38.80	31.41	9 12	10 0	41.66	27.82	35.38
$28.00	$36.80	$30.00	Rates over 10 lbs 10 lb incremental rate[1]		$40.00	$26.40	$33.60
44 LBS.	22 LBS.	22 LBS.	Maximum weight limit		44 LBS.	44 LBS.	44 LBS.

[1]For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.11)

AIR PARCEL RATES -- PARCEL POST

Greenland	Guadeloupe	Guatemala	Weight Steps		Guinea (Republic of)	Guinea-Bissau	Guyana	Haiti
			Over	Through				
0-4oz. $2.35 add'l 4oz. or part $0.82	0-4oz. $2.00 add'l 4oz. or part $0.70	0-4oz. $2.51 add'l 4oz. or part $0.88	Lb. Oz.	Lb. Oz	0-4oz. $2.46 add'l 4oz. or part $0.86	0-4oz. $2.93 add'l 4oz. or part $1.01	0-4oz. $2.42 add'l 4oz. or part $0.50	0-4oz. $2.25 add'l 4oz. or part $0.35
$2.35	$2.00	$2.51	0 0	0 4	$2.46	$2.93	$2.42	$2.25
3.28	2.36	2.97	0 4	0 8	3.42	3.94	2.92	2.60
4.21	2.72	3.43	0 8	0 12	4.38	4.95	3.42	2.95
5.14	3.08	3.89	0 12	1 0	5.34	5.96	3.92	3.30
6.07	3.44	4.35	1 0	1 4	6.30	6.97	4.42	3.65
7.00	3.80	4.81	1 4	1 8	7.26	7.98	4.92	4.00
7.93	4.16	5.27	1 8	1 12	8.22	8.99	5.42	4.35
8.86	4.52	5.73	1 12	2 0	9.18	10.00	5.92	4.70
9.79	4.88	6.19	2 0	2 4	10.14	11.01	6.42	5.05
10.72	5.24	6.65	2 4	2 8	11.10	12.02	6.92	5.40
11.65	5.60	7.11	2 8	2 12	12.06	13.03	7.42	5.75
12.58	5.96	7.57	2 12	3 0	13.02	14.04	7.92	6.10
13.51	6.32	8.03	3 0	3 4	13.98	15.05	8.42	6.45
14.44	6.68	8.49	3 4	3 8	14.94	16.06	8.92	6.80
15.37	7.04	8.95	3 8	3 12	15.90	17.07	9.42	7.15
16.30	7.40	9.41	3 12	4 0	16.86	18.08	9.92	7.50
17.23	7.76	9.87	4 0	4 4	17.82	19.09	10.42	7.85
18.16	8.12	10.33	4 4	4 8	18.78	20.10	10.92	8.20
19.09	8.48	10.79	4 8	4 12	19.74	21.11	11.42	8.55
20.02	8.84	11.25	4 12	5 0	20.70	22.12	11.92	8.90
20.95	9.20	11.71	5 0	5 4	21.66	23.13	12.42	9.25
21.88	9.56	12.17	5 4	5 8	22.62	24.14	12.92	9.60
22.81	9.92	12.63	5 8	5 12	23.58	25.15	13.42	9.95
23.74	10.28	13.09	5 12	6 0	24.54	26.16	13.92	10.30
24.67	10.64	13.55	6 0	6 4	25.50	27.17	14.42	10.65
25.60	11.00	14.01	6 4	6 8	26.46	28.18	14.92	11.00
26.53	11.36	14.47	6 8	6 12	27.42	29.19	15.42	11.35
27.46	11.72	14.93	6 12	7 0	28.38	30.20	15.92	11.70
28.39	12.08	15.39	7 0	7 4	29.34	31.21	16.42	12.05
29.32	12.44	15.85	7 4	7 8	30.30	32.22	16.92	12.40
30.25	12.80	16.31	7 8	7 12	31.26	33.23	17.42	12.75
31.18	13.16	16.77	7 12	8 0	32.22	24.24	17.92	13.10
32.11	13.52	17.23	8 0	8 4	33.18	35.25	18.42	13.45
33.04	13.88	17.69	8 4	8 8	34.14	36.26	18.92	13.80
33.97	14.24	18.15	8 8	8 12	35.10	37.27	19.42	14.15
34.90	14.60	18.61	8 12	9 0	36.06	38.28	19.92	14.50
35.83	14.96	19.07	9 0	9 4	37.02	39.29	20.42	14.85
36.76	15.32	19.53	9 4	9 8	37.98	40.30	20.92	15.20
37.69	15.68	19.99	9 8	9 12	38.94	41.31	21.42	15.55
38.62	16.04	20.45	9 12	10 0	39.90	42.32	21.92	15.90
$37.20	$14.40	$18.40	Rates over 10 lbs 10 lb incremental rate[1]		$38.40	$40.40	$20.00	$14.00
44 LBS.	44 LBS.	44 LBS.	Maximum weight limit		44 LBS.	22 LBS.	22 LBS.	44 LBS.

[1]For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.12)

* * *

Table 3-15 (p. 14) Appendix A

AIR PARCEL RATES -- PARCEL POST

Iran	Iraq	Ireland	Weight Steps Over	Through	Israel	Italy	Ivory Coast
0-4oz. $2.67 add'l 4oz. or part $0.98	0-4oz. $2.88 add'l 4oz. or part $0.95	0-4oz. $2.06 add'l 4oz. or part $0.66	Lb. Oz.	Lb. Oz.	0-4oz. $2.83 add'l 4oz. or part $0.91	0-4oz. $2.63 add'l 4oz. or part $0.79	0-4oz. $2.46 add'l 4oz. or part $0.95
$2.67	$2.98	$2.06	0 0	0 4	$2.93	$2.63	$2.46
3.63	3.93	2.72	0 4	0 8	3.84	3.42	3.41
4.59	4.88	3.38	0 8	0 12	4.75	4.21	4.36
5.55	5.83	4.04	0 12	1 0	5.66	5.00	5.31
6.51	6.78	4.70	1 0	1 4	6.57	5.79	6.26
7.47	7.73	5.36	1 4	1 8	7.48	6.58	7.21
8.43	8.68	6.02	1 8	1 12	8.39	7.37	8.16
9.39	9.63	6.68	1 12	2 0	9.30	8.16	9.11
10.35	10.58	7.34	2 0	2 4	10.21	8.95	10.06
11.31	11.53	8.00	2 4	2 8	11.12	9.74	11.01
12.27	12.48	8.66	2 8	2 12	12.03	10.53	11.96
13.23	13.43	9.32	2 12	3 0	12.94	11.32	12.91
14.19	14.38	9.98	3 0	3 4	13.85	12.11	13.86
15.15	15.33	10.64	3 4	3 8	14.76	12.90	14.81
16.11	16.28	11.30	3 8	3 12	15.67	13.69	15.76
17.07	17.23	11.96	3 12	4 0	16.58	14.48	16.71
18.03	18.18	12.62	4 0	4 4	17.49	15.27	17.66
18.99	19.13	13.28	4 4	4 8	18.40	16.06	18.61
19.95	20.08	13.94	4 8	4 12	19.31	16.85	19.56
20.91	21.03	14.60	4 12	5 0	20.22	17.64	20.51
21.87	21.98	15.26	5 0	5 4	21.13	18.43	21.46
22.83	22.93	15.92	5 4	5 8	22.04	19.22	22.41
23.79	23.88	16.58	5 8	5 12	22.95	20.01	23.36
24.75	24.83	17.24	5 12	6 0	23.86	20.80	24.31
25.71	25.78	17.90	6 0	6 4	24.77	21.59	25.26
26.67	26.73	18.56	6 4	6 8	25.68	22.38	26.21
27.63	27.68	19.22	6 8	6 12	26.59	23.17	27.16
28.59	28.63	19.88	6 12	7 0	27.50	23.96	28.11
29.55	29.58	20.54	7 0	7 4	28.41	24.75	29.06
30.51	30.53	21.20	7 4	7 8	29.32	25.54	30.01
31.47	31.48	21.86	7 8	7 12	30.23	26.33	30.96
32.43	32.43	22.52	7 12	8 0	31.14	27.12	31.91
33.39	33.38	23.18	8 0	8 4	32.05	27.91	32.86
34.35	34.33	23.84	8 4	8 8	32.96	28.70	33.81
35.31	35.28	24.50	8 8	8 12	33.87	29.49	34.76
36.27	36.23	25.16	8 12	9 0	34.78	30.28	35.71
37.23	37.18	25.82	9 0	9 4	35.69	31.07	36.66
38.19	38.13	26.48	9 4	9 8	36.60	31.86	37.61
39.15	39.08	27.14	9 8	9 12	37.51	32.65	38.56
40.11	40.03	27.80	9 12	10 0	38.42	33.44	39.51
$38.40	$38.00	$26.40	Rates over 10 lbs 10 lb incremental rate[1]		$36.40	$31.60	$38.00
44 LBS.	44 LBS.	22 LBS.	Maximum weight limit		33 LBS.	44 LBS.	44 LBS.

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.14)

Appendix A Table 3-15 (p. 15)

AIR PARCEL RATES -- PARCEL POST

Jamaica	Japan	Jordan	Weight Steps Over	Through	Kampuchea (Democratic)	Kenya	Korea (Dem Peoples Rep of)
0-4oz. $2.36 add'l 4oz. or part $0.33	0-4oz. $2.19 add'l 4oz. or part $0.80	0-4oz. $2.72 add'l 4oz. or part $0.90	Lb. Oz.	Lb. Oz.		0-4oz. $2.93 add'l 4oz. or part $1.19	
$2.36	$2.19	$2.72	0 0	0 4		$2.93	
2.69	2.99	3.62	0 4	0 8	N	4.03	N
3.02	3.79	4.52	0 8	0 12	O	5.13	O
3.35	4.59	5.42	0 12	1 0		6.23	
3.68	5.39	6.32	1 0	1 4		7.33	
4.01	6.19	7.22	1 4	1 8	A	8.43	A
4.34	6.99	8.12	1 8	1 12	I	9.53	I
4.67	7.79	9.02	1 12	2 0	R	10.63	R
5.00	8.59	9.92	2 0	2 4		11.73	
5.33	9.39	10.82	2 4	2 8		12.83	
5.66	10.19	11.72	2 8	2 12		13.93	
5.99	10.99	12.62	2 12	3 0	P	15.03	P
6.32	11.79	13.52	3 0	3 4	A	16.13	A
6.65	12.59	14.42	3 4	3 8	R	17.23	R
6.98	13.39	15.32	3 8	3 12	C	18.33	C
7.31	14.19	16.22	3 12	4 0	E	19.43	E
7.64	14.99	17.12	4 0	4 4	L	20.53	L
7.97	15.79	18.02	4 4	4 8		21.63	
8.30	16.59	18.92	4 8	4 12		22.73	
8.63	17.39	19.82	4 12	5 0		23.83	
8.96	18.19	20.72	5 0	5 4		24.93	
9.29	18.99	21.62	5 4	5 8	P	26.03	P
9.62	19.79	22.52	5 8	5 12	O	27.13	O
9.95	20.59	23.42	5 12	6 0	S	28.23	S
10.28	21.39	24.32	6 0	6 4	T	29.33	T
10.61	22.19	25.22	6 4	6 8		30.43	
10.94	22.99	26.12	6 8	6 12		31.53	
11.27	23.79	27.02	6 12	7 0		32.63	
11.60	24.59	27.92	7 0	7 4	S	33.73	S
11.93	25.39	28.82	7 4	7 8	E	34.83	E
12.26	26.19	29.72	7 8	7 12	R	35.93	R
12.59	26.99	30.62	7 12	8 0	V	37.03	V
12.92	27.79	31.52	8 0	8 4	I	38.13	I
13.25	28.59	32.42	8 4	8 8	C	39.23	C
13.58	29.39	33.32	8 8	8 12	E	40.33	E
13.91	30.19	34.22	8 12	9 0		41.43	
14.24	30.99	35.12	9 0	9 4		42.53	
14.57	31.79	36.02	9 4	9 8		43.63	
14.90	32.59	36.92	9 8	9 12		44.73	
15.23	33.39	37.82	9 12	10 0		45.83	
$13.20	$32.00	$36.00	Rates over 10 lbs 10 lb incremental rate[1]			$44.00	
22 LBS.	22 LBS.	22 LBS.	Maximum weight limit			22 LBS.	

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.15)

* * *

AIR PARCEL RATES -- PARCEL POST

Peru	Philippines	Pitcairn Islands	Weight Steps		Poland	Portugal
0-4oz. $2.88 add'l 4oz. or part $0.80	0-4oz. $3.03 add'l 4oz. or part $1.17	0-4oz. $2.89 add'l 4oz. or part $1.03	Over	Through	0-4oz. $2.61 add'l 4oz. or part $0.75	0-4oz. $2.05 add'l 4oz. or part $0.84
			Lb. Oz.	Lb. Oz.		
$2.88	$3.03	$2.89	0 0	0 4	$2.61	$2.05
3.48	4.20	3.92	0 4	0 8	3.36	2.69
4.08	5.37	4.95	0 8	0 12	4.11	3.33
4.68	6.54	5.98	0 12	1 0	4.86	3.97
5.28	7.71	7.01	1 0	1 4	5.61	4.61
5.88	8.88	8.04	1 4	1 8	6.36	5.25
6.48	10.05	9.07	1 8	1 12	7.11	5.89
7.08	11.22	10.10	1 12	2 0	7.86	6.53
7.68	12.39	11.13	2 0	2 4	8.61	7.17
8.28	13.56	12.16	2 4	2 8	9.36	7.81
8.88	14.73	13.19	2 8	2 12	10.11	8.45
9.48	15.90	14.22	2 12	3 0	10.86	9.09
10.08	17.07	15.25	3 0	3 4	11.61	9.73
10.68	18.24	16.28	3 4	3 8	12.36	10.37
11.28	19.41	17.31	3 8	3 12	13.11	11.01
11.88	20.58	18.34	3 12	4 0	13.86	11.65
12.48	21.75	19.37	4 0	4 4	14.61	12.29
13.08	22.92	20.40	4 4	4 8	15.36	12.93
13.68	24.09	21.43	4 8	4 12	16.11	13.57
14.28	25.26	22.46	4 12	5 0	16.86	14.21
14.88	26.43	23.49	5 0	5 4	17.61	14.85
15.48	27.60	24.52	5 4	5 8	18.36	15.49
16.08	28.77	25.55	5 8	5 12	19.11	16.13
16.68	29.94	26.58	5 12	6 0	19.86	16.77
17.28	31.11	27.61	6 0	6 4	20.61	17.41
17.88	32.28	28.64	6 4	6 8	21.36	18.05
18.48	33.45	29.67	6 8	6 12	22.11	18.69
19.08	34.62	30.70	6 12	7 0	22.86	19.33
19.68	35.79	31.73	7 0	7 4	23.61	19.97
20.28	36.96	32.76	7 4	7 8	24.36	20.61
20.88	38.13	33.79	7 8	7 12	25.11	21.25
21.48	39.30	34.82	7 12	8 0	25.86	21.89
22.08	40.47	35.85	8 0	8 4	26.61	22.53
22.68	41.64	36.88	8 4	8 8	27.36	23.17
23.28	42.81	37.91	8 8	8 12	28.11	23.81
23.88	43.98	38.94	8 12	9 0	28.86	24.45
24.48	45.15	39.97	9 0	9 4	29.61	25.09
25.08	46.32	41.00	9 4	9 8	30.36	25.73
25.68	47.49	42.03	9 8	9 12	31.11	26.37
26.28	48.66	43.06	9 12	10 0	31.86	27.01
$24.00	$46.80	$41.20	Rates over 10 lbs 10 lb incremental rate[1]		$30.00	$25.60
44 LBS.	See Appendix Part B	22 LBS.	Maximum weight limit		44 LBS.	22 LBS.

[1]For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.23)

AIR PARCEL RATES -- PARCEL POST

Qatar	Reunion	Weight Steps		Rhodesia	Romania	Rwanda
0-4oz. $2.42 add'l 4oz. or part $1.03	0-4oz. $2.89 add'l 4oz. or part $1.27	Over	Through	0-4oz. $2.66 add'l 4oz. or part $1.24	0-4oz. $2.42 add'l 4oz. or part $0.79	0-4oz. $2.76 add'l 4oz. or part $1.07
		Lb. Oz.	Lb. Oz.			
$2.42	$2.89	0 0	0 4	$2.66	$2.42	$2.76
3.45	4.16	0 4	0 8	3.90	3.21	3.83
4.48	5.43	0 8	0 12	5.14	4.00	4.90
5.51	6.70	0 12	1 0	6.38	4.79	5.97
6.54	7.97	1 0	1 4	7.62	5.58	7.04
7.57	9.24	1 4	1 8	8.86	6.37	8.11
8.60	10.51	1 8	1 12	10.10	7.16	9.18
9.63	11.78	1 12	2 0	11.34	7.95	10.25
10.66	13.05	2 0	2 4	12.58	8.74	11.32
11.69	14.32	2 4	2 8	13.82	9.53	12.39
12.72	15.59	2 8	2 12	15.06	10.32	13.46
13.75	16.86	2 12	3 0	16.30	11.11	14.53
14.78	18.13	3 0	3 4	17.54	11.90	15.60
15.81	19.40	3 4	3 8	18.78	12.69	16.67
16.84	20.67	3 8	3 12	20.02	13.48	17.74
17.87	21.94	3 12	4 0	21.26	14.27	18.81
18.90	23.21	4 0	4 4	22.50	15.06	19.88
19.93	24.48	4 4	4 8	23.74	15.85	20.95
20.96	25.75	4 8	4 12	24.98	16.64	22.02
21.99	27.02	4 12	5 0	26.22	17.43	23.09
23.02	28.29	5 0	5 4	27.46	18.22	24.16
24.05	29.56	5 4	5 8	28.70	19.01	25.23
25.08	30.83	5 8	5 12	29.94	19.80	26.30
26.11	32.10	5 12	6 0	31.18	20.59	27.37
27.14	33.37	6 0	6 4	32.42	21.38	28.44
28.17	34.64	6 4	6 8	33.66	22.17	29.51
29.20	35.91	6 8	6 12	34.90	22.96	30.58
30.23	37.18	6 12	7 0	36.14	23.75	31.65
31.26	38.45	7 0	7 4	37.38	24.54	32.72
32.29	39.72	7 4	7 8	38.62	25.33	33.79
33.32	40.99	7 8	7 12	39.86	26.12	34.86
34.35	42.26	7 12	8 0	41.10	26.91	35.93
35.38	43.53	8 0	8 4	42.34	27.70	37.00
36.41	44.80	8 4	8 8	43.58	28.49	38.07
37.44	46.07	8 8	8 12	44.82	29.28	39.14
38.47	47.34	8 12	9 0	46.06	30.07	40.21
39.50	48.61	9 0	9 4	47.30	30.86	41.28
40.53	49.88	9 4	9 8	48.54	31.65	42.35
41.56	51.15	9 8	9 12	49.78	32.44	43.42
42.59	52.42	9 12	10 0	51.02	33.23	44.49
$41.20	$50.80	Rates over 10 lbs 10 lb incremental rate[1]		$49.60	$31.60	$42.80
22 LBS.	44 LBS.	Maximum weight limit		22 LBS.	22 LBS.	22 LBS.

[1]For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.24)

AIR PARCEL RATES -- PARCEL POST

St Helena	St Pierre and Miquelon	St. Thomas & Principé	Santa Cruz Islands	Weight Steps		Saudi Arabia	Senegal	Seychelles
0-4oz. $3.01 add'l 4oz. or part $1.22	0-4oz. $1.72 add'l 4oz. or part $0.35	0-4oz. $2.93 add'l 4oz. or part $1.01	0-4oz. $3.10 add'l 4oz. or part $1.39	Over Lb. Oz.	Through Lb. Oz.	0-4oz. $3.10 add'l 4oz. or part $1.00	0-4oz. $2.34 add'l 4oz. or part $0.75	0-4oz. $2.53 add'l 4oz. or part $1.12
$3.01	$1.72	$2.93	$3.10	0 0	0 4	$3.10	$2.34	$2.53
4.23	2.07	3.94	4.49	0 4	0 8	4.10	3.09	3.65
5.45	2.42	4.95	5.88	0 8	0 12	5.10	3.84	4.77
6.67	2.77	5.96	7.27	0 12	1 0	6.10	4.59	5.89
7.89	3.12	6.97	8.66	1 0	1 4	7.10	5.34	7.01
9.11	3.47	7.98	10.05	1 4	1 8	8.10	6.09	8.13
10.33	3.82	8.99	11.44	1 8	1 12	9.10	6.84	9.25
11.55	4.17	10.00	12.83	1 12	2 0	10.10	7.59	10.37
12.77	4.52	11.01	14.22	2 0	2 4	11.10	8.34	11.49
13.99	4.87	12.02	15.61	2 4	2 8	12.10	9.09	12.61
15.21	5.22	13.03	17.00	2 8	2 12	13.10	9.84	13.73
16.43	5.57	14.04	18.39	2 12	3 0	14.10	10.59	14.85
17.65	5.92	15.05	19.78	3 0	3 4	15.10	11.34	15.97
18.87	6.27	16.06	21.17	3 4	3 8	16.10	12.09	17.09
20.09	6.62	17.07	22.56	3 8	3 12	17.10	12.84	18.21
21.31	6.97	18.08	23.95	3 12	4 0	18.10	13.59	19.33
22.53	7.32	19.09	25.34	4 0	4 4	19.10	14.34	20.45
23.75	7.67	20.10	26.73	4 4	4 8	20.10	15.09	21.57
24.97	8.02	21.11	28.12	4 8	4 12	21.10	15.84	22.69
26.19	8.37	22.12	29.51	4 12	5 0	22.10	16.59	23.81
27.41	8.72	23.13	30.90	5 0	5 4	23.10	17.34	24.93
28.63	9.07	24.14	32.29	5 4	5 8	24.10	18.09	26.05
29.85	9.42	25.15	33.68	5 8	5 12	25.10	18.84	27.17
31.07	9.77	26.16	35.07	5 12	6 0	26.10	19.59	28.29
32.29	10.12	27.17	36.46	6 0	6 4	27.10	20.34	29.41
33.51	10.47	28.18	37.85	6 4	6 8	28.10	21.09	30.53
34.73	10.82	29.19	39.24	6 8	6 12	29.10	21.84	31.65
35.95	11.17	30.20	40.63	6 12	7 0	30.10	22.59	32.77
37.17	11.52	31.21	42.02	7 0	7 4	31.10	23.34	33.89
38.39	11.87	32.22	43.41	7 4	7 8	32.10	24.09	35.01
39.61	12.22	33.23	44.80	7 8	7 12	33.10	24.84	36.13
40.83	12.57	34.24	46.19	7 12	8 0	34.10	25.59	37.25
42.05	12.92	35.25	47.58	8 0	8 4	35.10	26.34	38.37
43.27	13.27	36.26	48.97	8 4	8 8	36.10	27.09	39.49
44.49	13.62	37.27	50.36	8 8	8 12	37.10	27.84	40.61
45.71	13.97	38.28	51.75	8 12	9 0	38.10	28.59	41.73
46.93	14.32	39.29	53.14	9 0	9 4	39.10	29.34	42.85
48.15	14.67	40.30	54.53	9 4	9 8	40.10	30.09	43.97
49.37	15.02	41.31	55.92	9 8	9 12	41.10	30.84	45.09
50.59	15.37	42.32	57.31	9 12	10 0	42.10	31.59	46.21
$48.80	**$14.00**	**$40.40**	**$55.60**	Rates over 10 lbs 10 lb incremental rate[1]		**$40.00**	**$30.00**	**$44.80**
22 LBS.	**44 LBS.**	**22 LBS.**	**22 LBS.**	Maximum weight limit		**22 LBS.**	**44 LBS.**	**22 LBS.**

[1]For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.25)

AIR PARCEL RATES -- PARCEL POST

Vatican City State	Venezuela	Vietnam (Socialist Republic of)	Weight Steps		Western Samoa	Windward Islands
0-4oz. $2.42 add'l 4oz. or part $0.74	0-4oz. $2.71 add'l 4oz. or part $0.43		Over Lb. Oz.	Through Lb. Oz.	0-4oz. $2.71 add'l 4oz. or part $0.80	0-4oz. $2.39 add'l 4oz. or part $0.48
$2.42	$2.71		0 0	0 4	$2.71	$2.39
3.16	3.14		0 4	0 8	3.51	2.87
3.90	3.57		0 8	0 12	4.31	3.35
4.64	4.00		0 12	1 0	5.11	3.83
5.38	4.43		1 0	1 4	5.91	4.31
6.12	4.86		1 4	1 8	6.71	4.79
6.86	5.29		1 8	1 12	7.51	5.27
7.60	5.72		1 12	2 0	8.31	5.75
8.34	6.15		2 0	2 4	9.11	6.23
9.08	6.58		2 4	2 8	9.91	6.71
9.82	7.01		2 8	2 12	10.71	7.19
10.56	7.44		2 12	3 0	11.51	7.67
11.30	7.87		3 0	3 4	12.31	8.15
12.04	8.30		3 4	3 8	13.11	8.63
12.78	8.73		3 8	3 12	13.91	9.11
13.52	9.16		3 12	4 0	14.71	9.59
14.26	9.59		4 0	4 4	15.51	10.07
15.00	10.02		4 4	4 8	16.31	10.55
15.74	10.45		4 8	4 12	17.11	11.03
16.48	10.88		4 12	5 0	17.91	11.51
17.22	11.31		5 0	5 4	18.71	11.99
17.96	11.74		5 4	5 8	19.51	12.47
18.70	12.17		5 8	5 12	20.31	12.95
19.44	12.60		5 12	6 0	21.11	13.43
20.18	13.03		6 0	6 4	21.91	13.91
20.92	13.46		6 4	6 8	22.71	14.39
21.66	13.89		6 8	6 12	23.51	14.87
22.40	14.32		6 12	7 0	24.31	15.35
23.14	14.75		7 0	7 4	25.11	15.83
23.88	15.18		7 4	7 8	25.91	16.31
24.62	15.61		7 8	7 12	26.71	16.79
25.36	16.04		7 12	8 0	27.51	17.27
26.10	16.47		8 0	8 4	28.31	17.75
26.84	16.90		8 4	8 8	29.11	18.23
27.58	17.33		8 8	8 12	29.91	18.71
28.32	17.76		8 12	9 0	30.71	19.19
29.06	18.19		9 0	9 4	31.51	19.67
29.80	18.62		9 4	9 8	32.31	20.15
30.54	19.05		9 8	9 12	33.11	20.63
31.28	19.48		9 12	10 0	33.91	21.11
$29.60	**$17.20**		Rates over 10 lbs 10 lb incremental rate[1]		**$32.00**	**$19.20**
44 LBS.	**44 LBS.**		Maximum weight limit		**22 LBS.**	**22 LBS.**

NO AIR PARCEL POST SERVICE

[1]For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.31)

AIR PARCEL RATES -- PARCEL POST

Yemen (Aden)	Yemen (Sanaa)	Yugoslavia	Weight Steps Over	Weight Steps Through	Zaire	Zambia
0-4oz. $2.81 add'l 4oz. or part $1.10	0-4oz. $3.04 add'l 4oz. or part $1.05	0-4oz. $2.17 add'l 4oz. or part $0.79	Lb. Oz.	Lb. Oz.	0-4oz. $2.76 add'l 4oz. or part $1.07	0-4oz. $2.86 add'l 4oz. or part $1.24
$2.81	$3.04	$2.17	0 0	0 4	$2.76	$2.66
3.91	4.59	2.96	0 4	0 8	3.83	3.90
5.01	6.14	3.75	0 8	0 12	4.90	5.14
6.11	7.69	4.54	0 12	1 0	5.97	6.38
7.21	9.24	5.33	1 0	1 4	7.04	7.62
8.31	10.79	6.12	1 4	1 8	8.11	8.86
9.41	12.34	6.91	1 8	1 12	9.18	10.10
10.51	13.89	7.70	1 12	2 0	10.25	11.34
11.61	15.44	8.49	2 0	2 4	11.32	12.58
12.71	16.99	9.28	2 4	2 8	12.39	13.82
13.81	18.54	10.07	2 8	2 12	13.46	15.06
14.91	20.09	10.86	2 12	3 0	14.53	16.30
16.01	21.64	11.65	3 0	3 4	15.60	17.54
17.11	23.19	12.44	3 4	3 8	16.67	18.78
18.21	24.74	13.23	3 8	3 12	17.74	20.02
19.31	26.29	14.02	3 12	4 0	18.81	21.26
20.41	27.84	14.81	4 0	4 4	19.88	22.50
21.51	29.39	15.60	4 4	4 8	20.95	23.74
22.61	30.94	16.39	4 8	4 12	22.02	24.98
23.71	32.49	17.18	4 12	5 0	23.09	26.22
24.81	34.04	17.97	5 0	5 4	24.16	27.46
25.91	35.59	18.76	5 4	5 8	25.23	28.70
27.01	37.14	19.55	5 8	5 12	26.30	29.94
28.11	38.69	20.34	5 12	6 0	27.37	31.18
29.21	40.24	21.13	6 0	6 4	28.44	32.42
30.31	41.79	21.92	6 4	6 8	29.51	33.66
31.41	43.34	22.71	6 8	6 12	30.58	34.90
32.51	44.89	23.50	6 12	7 0	31.65	36.14
33.61	46.44	24.29	7 0	7 4	32.72	37.38
34.71	47.99	25.08	7 4	7 8	33.79	38.62
35.81	49.54	25.87	7 8	7 12	34.86	39.86
36.91	51.09	26.66	7 12	8 0	35.93	41.10
38.01	52.64	27.45	8 0	8 4	37.00	42.34
39.11	54.19	28.24	8 4	8 8	38.07	43.58
40.21	55.74	29.03	8 8	8 12	39.14	44.82
41.31	57.29	29.82	8 12	9 0	40.21	46.06
42.41	58.84	30.61	9 0	9 4	41.28	47.30
43.51	60.39	31.40	9 4	9 8	42.35	48.54
44.61	61.94	32.19	9 8	9 12	43.42	49.78
45.71	63.49	32.98	9 12	10 0	44.49	51.02
$44.00	$62.00	$31.60	Rates over 10 lbs 10 lb incremental rate[1]		$42.80	$49.60
44 LBS.	44 LBS.	44 LBS.	Maximum weight limit		44 LBS.	22 LBS.

[1] For rates over 10 pounds, charge the 10 pound increment rate above for each even 10 pounds, plus the appropriate weight step rate in the table for the remaining pounds and/or ounces. If there is no remainder (that is, the weight of the parcel is exactly a multiple of 10 pounds), then charge the rate from the table for the first 10 pounds and add the 10 pound increment rate for each even 10 pounds thereafter.

TABLE 3-15 (p.32)

FEES AND INDEMNITY LIMITS FOR INSURANCE

INDEMNITY ($)			FEES[1]											
Over		Up To	A	B	C	D	E	F	G	H	I	J	K	L	M
0	...	15	.90	.90	.90	.90	.90	.50	.90	.90	.90	.90	.90	.90	.90
15	...	20	1.20	1.20	1.20	1.20	1.20	.85	1.20	1.20	1.20	1.20	1.20	1.20	1.20
20	...	50													
50	...	70	1.50	1.50	1.50	1.50	1.50	1.10	1.50	1.50	1.50	1.50	1.50		
70	...	80													
80	...	100													
100	...	120	2.10	2.10	2.10	2.10	2.10	1.40	2.10	2.10					
120	...	145													
145	...	150													
150	...	200						1.75							
200	...	225	2.70	2.70	2.70	2.70		2.25							
225	...	300													
300	...	395	3.30	3.30	3.30			2.75							
395	...	400													
400	...	500	3.60	3.60											
500	...	600	3.90	3.90											
600	...	700	4.20	4.20											
700	...	800	4.50	4.50											
800	...	900	4.80	4.80											
900	...	1,000	5.10	5.10											
1,000	...	1,100	5.40												
1,100	...	1,200	5.70												

Maximum Indemnity Limits	
A	$1,200
B	1,000
C	395
D	225
E	200
F	400
G	145
H	120
I	100
J	80
K	70
L	50
M	20

[1] In addition to regular postage and any other applicable fees.

Table 6-2

FEES AND INDEMNITY LIMITS FOR REGISTRY SERVICE

INDEMNITY ($) Over ..... Through	POSTAL UNION REGISTRY FEES[1] A Canada	B All Other Countries (Except Canada, Kampuchea (Dem.), & N. Korea)	Kampuchea (Dem.), & North Korea
NONE			NO SERVICE
0 ..... 15.76	3.00	3.00	INDEMNITY LIMITS A $200.00 B 15.76
15.76 ..... 20.00			
20.00 ..... 50.00			
50.00 ..... 100.00			
100.00 ..... 200.00	3.30		

INDEMNITY ($) Over ..... Through	PARCEL POST REGISTRY FEES[1] C Ecuador	D Angola, Cape Verde, Guinea-Bissau, St. Thomas & Principé	E Belize, Bermuda, Jamaica, Turks Island, Zaire	All Other Countries
NONE			3.00	NO SERVICE
0 ..... 15.76	3.00	3.00	INDEMNITY LIMITS C 50.00 D 20.00 E None Paid	
15.76 ..... 20.00				
20.00 ..... 50.00				
50.00 ..... 100.00				
100.00 ..... 200.00				

[1] In addition to regular postage and any other applicable fees.

Table 6-3

FEE FOR RETURN RECEIPTS

Return receipt requested at time of mailing ..... 45 cents

(In addition to regular postage, fees for registry or insurance, and any other applicable fees)

Table 6-4

FEE FOR RESTRICTED DELIVERY

Single fee. ..... .80 cents

(In addition to regular postage, fees for registry and return receipt, and any other applicable fees)

Table 6-5

FEES FOR SPECIAL DELIVERY

POSTAL UNION ARTICLES	FEES[1] Not more than 2 pounds	More than 2 pounds but not more than 10 pounds	More than 10 pounds
Letters, letter packages, post cards *(surface or airmail)*	2.00	2.25	2.85
Printed matter, matter for the blind, small packets *(airmail)*			
Printed matter, matter for the blind, small packets *(surface)*	2.25	2.85	3.25

[1] In addition to regular postage and any other applicable fees.

Table 6-6

FEES FOR SPECIAL HANDLING

SURFACE ARTICLES OR PARCELS	FEES[1]	
	Not more than 10 pounds	More than 10 pounds
Printed matter, matter for the blind, small packets *(surface only)*	.70	1.25
Parcels *(surface only)*		

[1] In addition to regular surface postage and any other applicable fees.

Table 6-7

FEES FOR CERTIFICATE OF MAILING

CERTIFICATES	FEES[1]	
	POSTAL UNION	PARCEL POST
Individually Listed Pieces: Original certificate for ordinary mail	.15 for each piece described[2]	
Copy of original certificate of mailing	.15 for each piece described	
Copy of original mailing receipt for registered or insured mail		
Identical pieces paid with ordinary stamps, precanceled stamps, or meter stamps: Up to 1,000 pieces (1 certificate for total number)	.75 per certificate[2]	NOT APPLICABLE
For each additional 1,000 pieces, or fraction	.15 per certificate[2]	
Duplicate copy	.15 per copy	

[1] For further information on fees for U. S. Department of Treasury or Agriculture forms, see 822.43, and 550 or 560, respectively.

[2] In addition to regular postage and any other applicable fees.

Table 6-8

FEES OR CHARGES FOR RECALL OR CHANGE OF ADDRESS

SERVICE REQUESTED	FEE OR CHARGE	PAYMENT
A. At Immediate Office of Mailing:		
1. Search	No charge	–
2. Return or address change	No charge	–
B. At Main Post Office or other Connection Point:		
1. Search	$1.00	Prepay
2. Return of letters or post cards or address change	No charge	–
3. Return of any other article or parcel	Domestic postage (post office to sender)	Postage due
C. At U. S. Dispatching Exchange Office:		
1. Normal search	$1.00	Prepay[1]
2. Further search of made-up sacks	Cost of opening, search, & closing sacks	Written Guarantee
3. Transmission of search request by telegraph	Cost of telegram	Prepay
4. Return of letters or post cards or address change	No charge	–
5. Return of any other article or parcel	Domestic postage (to exchange office & return to sender)	Postage due
D. In Country of Destination:		
1. Search	$1.00[2]	Prepay[1]
2. Transmission of search request (mandatory) by either:		
- Telegraph or cable	Cost of telegram or cable	Prepay
- Registered surface mail	$3.00[2]	Prepay
- Registered airmail	$3.00[2] & air postage	Prepay
3. Return of postal union article or address change	No charge	–
4. Return of parcel post package	International postage	Postage due
5. Forwarding parcel post package to another country (as a result of request for address change)	Forwarding charges (if not paid by addressee	Written Guarantee
6. Transmission of report of action taken (optional) by:		
- Airmail	Airmail postage	Prepay
- Telegraph or cable	Cost of telegram or cable	Prepay[3]

[1] Unless already paid for search at another location.
[2] No charge if request being made as result of official notice to sender in reply to an inquiry, or in the form of *advice of nondelivery* by the postal service of destination, showing nondeliverability as addressed.
[3] Any amount remaining after transmitting a telegram or cable gram will be returned to the sender.

Table 6-9

Fees for Money Orders to Other Countries Which are Issued on Domestic Forms[1]

Amount of Money Order	Fee
$ 0.01 to $10	$0.55
$10.01 to $50	$0.80
$50.01 to $300	$1.10

[1] Domestic money orders are issued for payment only to payees in the countries listed in 493.22.

Table 7-1

Fees for International Money Orders[1]

Amount of Money Order	Fee
$ 0.01 to $10	$0.90
$10.01 to $50	$1.10
$50.01 to $300[2]	$1.40

[1] International money orders are paid in the countries listed in 493.23 and 493.24.
[2] Exceptions are that money orders may not exceed 50 pounds (approximately $90) when payable in Great Britain, $250 when payable in Syria, and $100 when payable in Morocco.

Table 7-2

International Express Mail Service Standards (from International Exchange Office)

Country of Destination	Custom Designed	On Demand
Australia –		
Sydney, Melbourne, & Brisbane	Next day[1]	Second day
All other points	Second day	Third day
Belgium	Next day	Not available
Brazil –		
Rio de Janeiro	Next day	Not available
Sao Paulo	Next day	Not available
All other points	Second day	Not available
France –		
Paris	Next day	Not available
All other points	Second day	Not available
Great Britain & Northern Ireland –		
Central London	Next day	Second day
All other points	Second day	Third day
Hong Kong	Next day[1]	Next day[1]
Japan[2] –		
Tokyo	Next day[1]	Not available
Osaka	Next day[1]	Not available
Netherlands	Next day	Second day[2]

[1] Due to crossing the International Dateline, next day means 24 hours lapsed time, not next calendar day.
[2] Delivery available to limited number of cities.
Note: International Express Mail is not subject to a service guarantee.

Table 8-1

AUSTRALIA
INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$29.15	$29.18	$29.22	$29.26	$29.30	$29.35	$29.40
2	32.52	32.58	32.66	32.74	32.82	32.92	33.02
3	35.89	35.98	36.10	36.22	36.34	36.49	36.64
4	39.26	39.38	39.54	39.70	39.86	40.06	40.26
5	42.63	42.78	42.98	43.18	43.38	43.63	43.88
6	46.00	46.18	46.42	46.66	46.90	47.20	47.50
7	49.37	49.58	49.86	50.14	50.42	50.77	51.12
8	52.74	52.98	53.30	53.62	53.94	54.34	54.74
9	56.11	56.38	56.74	57.10	57.46	57.91	58.36
10	59.48	59.78	60.18	60.58	60.98	61.48	61.98
11	62.85	63.18	63.62	64.06	64.50	65.05	65.60
12	66.22	66.58	67.06	67.54	68.02	68.62	69.22
13	69.59	69.98	70.50	71.02	71.54	72.19	72.84
14	72.96	73.38	73.94	74.50	75.06	75.76	76.46
15	76.33	76.78	77.38	77.98	78.58	79.33	80.08
16	79.70	80.18	80.82	81.46	82.10	82.90	83.70
17	83.07	83.58	84.26	84.94	85.62	86.47	87.32
18	86.44	86.98	87.70	88.42	89.14	90.04	90.94
19	89.81	90.38	91.14	91.90	92.66	93.61	94.56
20	93.18	93.78	94.58	95.38	96.18	97.18	98.18
21	96.55	97.18	98.02	98.86	99.70	100.75	101.80
22	99.92	100.58	101.46	102.34	103.22	104.32	105.42
23	103.29	103.98	104.90	105.82	106.74	107.89	109.04
24	106.66	107.38	108.34	109.30	110.26	111.46	112.66
25	110.03	110.78	111.78	112.78	113.78	115.03	116.28
26	113.40	114.18	115.22	116.26	117.30	118.60	119.90
27	116.77	117.58	118.66	119.74	120.82	122.17	123.52
28	120.14	120.98	122.10	123.22	124.34	125.74	127.14
29	123.51	124.38	125.54	126.70	127.86	129.31	130.76
30	126.88	127.78	128.98	130.18	131.38	132.88	134.38
31	130.25	131.18	132.42	133.66	134.90	136.45	138.00
32	133.62	134.58	135.86	137.14	138.42	140.02	141.62
33	136.99	137.98	139.30	140.62	141.94	143.59	145.24

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-2

BELGIUM, FRANCE, NETHERLANDS, & UNITED KINGDOM
INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$27.83	$27.88	$27.92	$27.96	$28.00	$28.05	$28.10
2	29.92	29.98	30.06	30.14	30.22	30.32	30.42
3	31.99	32.08	32.20	32.32	32.44	32.59	32.74
4	34.06	34.18	34.34	34.50	34.66	34.86	35.06
5	36.13	36.28	36.48	36.68	36.88	37.13	37.38
6	38.20	38.38	38.62	38.86	39.10	39.40	39.70
7	40.27	40.48	40.76	41.04	41.32	41.67	42.02
8	42.34	42.58	42.90	43.22	43.54	43.94	44.34
9	44.41	44.68	45.04	45.40	45.76	46.21	46.66
10	46.48	46.78	47.18	47.58	47.98	48.48	48.98
11	48.55	48.88	49.32	49.76	50.20	50.75	51.30
12	50.62	50.98	51.46	51.94	52.42	53.02	53.62
13	52.69	53.08	53.60	54.12	54.64	55.29	55.94
14	54.76	55.18	55.74	56.30	56.86	57.56	58.26
15	56.83	57.28	57.88	58.48	59.08	59.83	60.58
16	58.90	59.38	60.02	60.66	61.30	62.10	62.90
17	60.97	61.48	62.16	62.84	63.52	64.37	65.22
18	63.04	63.58	64.30	65.02	65.74	66.64	67.54
19	65.11	65.68	66.44	67.20	67.96	68.91	69.86
20	67.18	67.78	68.58	69.38	70.18	71.18	72.18
21	69.25	69.88	70.72	71.56	72.40	73.45	74.50
22	71.32	71.98	72.86	73.74	74.62	75.72	76.82
23	73.39	74.08	75.00	75.92	76.84	77.99	79.14
24	75.46	76.18	77.14	78.10	79.06	80.26	81.46
25	77.53	78.28	79.28	80.28	81.28	82.53	83.78
26	79.60	80.38	81.42	82.46	83.50	84.80	86.10
27	81.67	82.48	83.56	84.64	85.72	87.07	88.42
28	83.74	84.58	85.70	86.82	87.94	89.34	90.74
29	85.81	86.68	87.84	89.00	90.16	91.61	93.06
30	87.88	88.78	89.98	91.18	92.38	93.88	95.38
31	89.95	90.88	92.12	93.36	94.60	96.15	97.70
32	92.02	92.98	94.26	95.54	96.82	98.42	100.02
33	94.09	95.08	96.40	97.72	99.04	100.69	102.34

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-3

Table 8-5 Appendix A

HONG KONG
INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE 3	4	5	6	7	8	9
1	$28.85	$29.88	$28.92	$28.96	$29.00	$29.05	$29.10
2	31.92	31.98	32.06	32.14	32.22	32.32	32.42
3	34.99	35.08	35.20	35.32	35.44	35.59	35.74
4	38.06	38.18	38.34	38.50	38.66	38.86	39.06
5	41.13	41.28	41.48	41.68	41.88	42.13	42.38
6	44.20	44.38	44.62	44.86	45.10	45.40	45.70
7	47.27	47.48	47.76	48.04	48.32	48.67	49.02
8	50.34	50.58	50.90	51.22	51.54	51.94	52.34
9	53.41	53.68	54.04	54.40	54.76	55.21	55.66
10	56.48	56.78	57.18	57.58	57.98	58.48	58.98
11	59.55	59.88	60.32	60.78	61.20	61.75	62.30
12	62.62	62.98	63.46	63.94	64.42	65.02	65.62
13	65.69	66.08	66.60	67.12	67.64	68.29	68.94
14	68.76	69.18	69.74	70.30	70.86	71.56	72.26
15	71.83	72.28	72.88	73.48	74.08	74.83	75.58
16	74.90	75.38	76.02	76.66	77.30	78.10	78.90
17	77.97	78.48	79.16	79.84	80.52	81.37	82.22
18	81.04	81.58	82.30	83.02	83.74	84.64	85.54
19	84.11	84.68	85.44	86.20	86.96	87.91	88.86
20	87.18	87.78	88.58	89.38	90.18	91.18	92.18
21	90.25	90.88	91.72	92.56	93.40	94.45	95.50
22	93.32	93.98	94.86	95.74	96.62	97.72	98.82
23	96.39	97.08	98.00	98.92	99.84	100.99	102.14
24	99.46	100.18	101.14	102.10	103.06	104.26	105.46
25	102.53	103.28	104.28	105.28	106.28	107.53	108.78
26	105.60	106.38	107.42	108.46	109.50	110.80	112.10
27	108.67	109.48	110.56	111.64	112.72	114.07	115.42
28	111.74	112.58	113.70	114.82	115.94	117.34	118.74
29	114.81	115.68	116.84	118.00	119.16	120.61	122.06
30	117.88	118.78	119.98	121.18	122.38	123.88	125.38
31	120.95	121.88	123.12	124.36	125.60	127.15	128.70
32	124.02	124.98	126.26	127.54	128.82	130.42	132.02
33	127.09	128.08	129.40	130.72	132.04	133.69	135.34

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-5

Table 8-4 Appendix A

BRAZIL
INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE 3	4	5	6	7	8	9
1	$29.23	$29.28	$29.30	$29.34	$29.36	$29.43	$29.46
2	32.66	32.74	32.82	32.90	32.98	33.09	33.18
3	36.13	36.22	36.34	36.46	36.58	36.73	36.88
4	39.56	39.70	39.86	40.02	40.18	40.38	40.58
5	43.03	43.18	43.38	43.58	43.78	44.03	44.28
6	46.46	46.66	46.90	47.14	47.38	47.68	47.98
7	49.93	50.14	50.42	50.70	50.98	51.33	51.68
8	53.36	53.62	53.94	54.26	54.58	54.98	55.38
9	56.83	57.10	57.46	57.82	58.18	58.63	59.08
10	60.26	60.58	60.98	61.38	61.78	62.28	62.78
11	63.73	64.06	64.50	64.94	65.38	65.93	66.48
12	67.16	67.54	68.02	68.50	68.98	69.58	70.18
13	70.63	71.02	71.54	72.06	72.58	73.23	73.88
14	74.06	74.50	75.06	75.62	76.18	76.88	77.58
15	77.53	77.98	78.58	79.18	79.78	80.53	81.28
16	80.98	81.46	82.10	82.74	83.38	84.18	84.98
17	84.43	84.94	85.62	86.30	86.98	87.83	88.68
18	87.88	88.42	89.14	89.86	90.58	91.48	92.38
19	91.33	91.90	92.66	93.42	94.18	95.13	96.08
20	94.78	95.38	96.18	96.98	97.78	98.78	99.78
21	98.23	98.86	99.70	100.54	101.38	102.43	103.48
22	101.68	102.34	103.22	104.10	104.98	106.08	107.18
23	105.13	105.82	106.74	107.66	108.58	109.73	110.88
24	108.58	109.30	110.26	111.22	112.18	113.38	114.58
25	112.03	112.78	113.78	114.78	115.78	117.03	118.28
26	115.48	116.26	117.30	118.34	119.38	120.68	121.98
27	118.93	119.74	120.82	121.90	122.98	124.33	125.68
28	122.38	123.22	124.34	125.46	126.58	127.98	129.38
29	125.83	126.70	127.86	129.02	130.18	131.63	133.08
30	129.28	130.18	131.38	132.58	133.78	135.28	136.78

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-4

JAPAN
INTERNATIONAL EXPRESS MAIL
CUSTOM DESIGNED SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$23.62	$23.65	$23.69	$23.73	$23.77	$23.82	$23.87
2	26.71	26.77	26.85	26.93	27.01	27.11	27.21
3	29.80	29.89	30.10	30.13	30.25	30.40	30.55
4	32.89	33.01	33.17	33.33	33.49	33.69	33.89
5	35.98	36.13	36.33	36.53	36.73	36.98	37.23
6	39.07	39.25	39.49	39.73	39.97	40.27	40.57
7	42.16	42.37	42.65	42.93	43.21	43.56	43.91
8	45.25	45.49	45.81	46.13	46.45	46.85	47.25
9	48.34	48.61	48.97	49.33	49.69	50.14	50.59
10	51.43	51.73	52.13	52.53	52.93	53.43	53.93

NOTES: 1) Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a Designated Post Office.
2) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.
3) If tendered at origin airport mail facility, deduct $3.00 from these rates.

Table 8-6

AUSTRALIA
INTERNATIONAL EXPRESS MAIL
ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$18.87	$16.90	$18.94	$18.98	$19.02	$19.07	$19.12
2	22.24	22.30	22.38	22.46	22.54	22.64	22.74
3	25.61	25.70	25.82	25.94	26.06	26.21	26.36
4	26.98	29.10	29.26	29.42	29.58	29.78	29.98
5	32.35	32.50	32.70	32.90	33.10	33.35	33.60
6	35.72	35.90	36.14	36.38	36.62	36.92	37.22
7	39.09	39.30	39.58	39.86	40.14	40.49	40.84
8	42.46	42.70	43.02	43.34	43.66	44.06	44.46
9	45.83	46.10	46.46	46.82	47.18	47.63	48.08
10	49.20	49.50	49.90	50.30	50.70	51.20	51.70
11	52.57	52.90	53.34	53.78	54.22	54.77	55.32
12	55.94	56.30	56.78	57.26	57.74	58.34	58.94
13	59.31	59.70	60.22	60.74	61.26	61.91	62.56
14	62.68	63.10	63.66	64.22	64.78	65.48	66.18
15	66.05	66.50	67.10	67.70	68.30	69.05	69.80
16	69.42	69.90	70.54	71.18	71.82	72.62	73.42
17	72.79	73.30	73.98	74.66	75.34	76.19	77.04
18	76.16	76.70	77.42	78.14	78.86	79.76	80.66
19	79.53	80.10	80.86	81.62	82.38	83.33	84.28
20	82.90	83.50	84.30	85.10	85.90	86.90	87.90
21	86.27	86.90	87.74	88.58	89.42	90.47	91.52
22	89.64	90.30	91.18	92.06	92.94	94.04	95.14
23	93.01	93.70	94.62	95.54	96.46	97.61	98.76
24	96.38	97.10	98.06	99.02	99.98	101.18	102.38
25	99.75	100.50	101.50	102.50	103.50	104.75	106.00
26	103.12	103.90	104.94	105.98	107.02	108.32	109.62
27	106.49	107.30	108.38	109.46	110.54	111.89	113.24
28	109.86	110.70	111.82	112.94	114.06	115.46	116.86
29	113.23	114.10	115.26	116.42	117.58	119.03	120.48
30	116.60	117.50	118.70	119.90	121.10	122.60	124.10
31	119.97	120.90	122.14	123.38	124.62	126.17	127.72
32	123.34	124.30	125.58	126.86	128.14	129.74	131.34
33	126.71	127.70	129.02	130.34	131.66	133.31	134.96

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

Table 8-7

HONG KONG
INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$18.57	$18.60	$18.64	$18.68	$18.72	$18.77	$18.82
2	21.64	21.70	21.78	21.86	21.94	22.04	22.14
3	24.71	24.80	24.92	25.04	25.16	25.31	25.46
4	27.78	27.90	28.06	28.22	28.38	28.58	28.78
5	30.85	31.00	31.20	31.40	31.60	31.85	32.10
6	33.92	34.10	34.34	34.58	34.82	35.12	35.42
7	36.99	37.20	37.48	37.76	38.04	38.39	38.74
8	40.06	40.30	40.62	40.94	41.26	41.66	42.06
9	43.13	43.40	43.76	44.12	44.48	44.93	45.38
10	46.20	46.50	46.90	47.30	47.70	48.20	48.70
11	49.27	49.60	50.04	50.48	50.92	51.47	52.02
12	52.34	52.70	53.18	53.66	54.14	54.74	55.34
13	55.41	55.80	56.32	56.84	57.36	58.01	58.66
14	58.48	58.90	59.46	60.02	60.58	61.28	61.98
15	61.55	62.00	62.60	63.20	63.80	64.55	65.30
16	64.62	65.10	65.74	66.38	67.02	67.82	68.62
17	67.69	68.20	68.88	69.56	70.24	71.09	71.94
18	70.76	71.30	72.02	72.74	73.46	74.36	75.26
19	73.83	74.40	75.16	75.92	76.68	77.63	78.58
20	76.90	77.50	78.30	79.10	79.90	80.90	81.90
21	79.97	80.60	81.44	82.28	83.12	84.17	85.22
22	83.04	83.70	84.58	85.46	86.34	87.44	88.54
23	86.11	86.80	87.72	88.64	89.56	90.71	91.86
24	89.18	89.90	90.86	91.82	92.78	93.98	95.18
25	92.25	93.00	94.00	95.00	96.00	97.25	98.50
26	95.32	96.10	97.14	98.18	99.22	100.52	101.82
27	98.39	99.20	100.28	101.36	102.44	103.79	105.14
28	101.46	102.30	103.42	104.54	105.66	107.06	108.46
29	104.53	105.40	106.56	107.72	108.88	110.33	111.78
30	107.60	108.50	109.70	110.90	112.10	113.60	115.10
31	110.67	111.60	112.84	114.08	115.32	116.87	118.42
32	113.74	114.70	115.98	117.26	118.54	120.14	121.74
33	116.81	117.80	119.12	120.44	121.76	123.41	125.06

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

Table 8-8

NETHERLANDS AND UNITED KINGDOM
INTERNATIONAL EXPRESS MAIL ON DEMAND SERVICE

POUNDS (up to and including)	ZONE TO INTERNATIONAL EXCHANGE OFFICE						
	3	4	5	6	7	8	9
1	$17.57	$17.60	$17.64	$17.68	$17.72	$17.77	$17.82
2	19.64	19.70	19.78	19.86	19.94	20.04	20.14
3	21.71	21.80	21.92	22.04	22.16	22.31	22.46
4	23.78	23.90	24.06	24.22	24.38	24.58	24.78
5	25.85	26.00	26.20	26.40	26.60	26.85	27.10
6	27.92	28.10	28.34	28.58	28.82	29.12	29.42
7	29.99	30.20	30.48	30.76	31.04	31.39	31.74
8	32.06	32.30	32.62	32.94	33.26	33.66	34.06
9	34.13	34.40	34.76	35.12	35.48	35.93	36.38
10	36.20	36.50	36.90	37.30	37.70	38.20	38.70
11	38.27	38.60	39.04	39.48	39.92	40.47	41.02
12	40.34	40.70	41.18	41.66	42.14	42.74	43.34
13	42.41	42.80	43.32	43.84	44.36	45.01	45.66
14	44.48	44.90	45.46	46.02	46.58	47.28	47.98
15	46.55	47.00	47.60	48.20	48.80	49.55	50.30
16	48.62	49.10	49.74	50.38	51.02	51.82	52.62
17	50.69	51.20	51.88	52.56	53.24	54.09	54.94
18	52.76	53.30	54.02	54.74	55.46	56.36	57.26
19	54.83	55.40	56.16	56.92	57.68	58.63	59.58
20	56.90	57.50	58.30	59.10	59.90	60.90	61.90
21	58.97	59.60	60.44	61.28	62.12	63.17	64.22
22	61.04	61.70	62.58	63.46	64.34	65.44	66.54
23	63.11	63.80	64.72	65.64	66.56	67.71	68.86
24	65.18	65.90	66.86	67.82	68.78	69.98	71.18
25	67.25	68.00	69.00	70.00	71.00	72.25	73.50
26	69.32	70.10	71.14	72.18	73.22	74.52	75.82
27	71.39	72.20	73.28	74.36	75.44	76.79	78.14
28	73.46	74.30	75.42	76.54	77.66	79.06	80.46
29	75.53	76.40	77.56	78.72	79.88	81.33	82.78
30	77.60	78.50	79.70	80.90	82.10	83.60	85.10
31	79.67	80.60	81.84	83.08	84.32	85.87	87.42
32	81.74	82.70	83.98	85.26	86.54	88.14	89.74
33	83.81	84.80	86.12	87.44	88.76	90.41	92.06

NOTES: 1) Pick-up is available under a Service Agreement for an added charge of $5.25 for each pick-up stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pick-up charge.

Table 8-9

SUMMARY CONDITIONS – INTERNATIONAL EXPRESS MAIL SERVICE

A. SERVICE OFFERINGS

1. CUSTOM DESIGNED SERVICE

Available to: Australia, Belgium, Brazil, France, Great Britain & Northern Ireland, Hong Kong, Japan, and the Netherlands. See 494.32b for a list of the items which may be sent by this service.

2. ON DEMAND SERVICE

Available to: Australia, Great Britain & Northern Ireland, Hong Kong, and selected cities in the Netherlands. See 494.33b for a list of the items which may be sent by this service.

3. PICKUP SERVICE

Available for both Custom Designed and On Demand International Express Mail Service.

B. RATES

Items accepted are subject to International Express Mail Service rates listed by service offerings in Tables 8-2 through 8-9.

C. WEIGHT LIMITS

1. Brazil . . . . . 50 pounds
2. Japan . . . . . 10 pounds
3. All other countries to which service is available . . . . . 33 pounds

D. PREPARATION REQUIREMENTS (see Sections 221.3 and 326).

1. The name and address of both the sender and the addressee must appear on each mail piece.

E. FORMS REQUIRED

1. CUSTOM DESIGNED SERVICE

– Label 155, *International Express Mail* (Figure 8-1). See 494.811a.

– Label 153, *Express Mail Custom Designed Service* (Figure8-2). See 494.811d.

– Customs Declarations (Forms 2976 and 2976-A) are required for shipments to:

(a) France for each item containing business documents, letters, or merchandise samples.

(b) Brazil for each item containing merchandise samples.

(c) Hong Kong for each item containing merchandise samples. See Sections 221.42 and 221.43.

– Form 5625, *Express Mail Service Receipt* (Figure 8-3), appropriate sections completed by sender and acceptance employee. See 494.811 and 494.812.

2. ON DEMAND SERVICE

– Label 11B, *Express Mail Service, Post Office to Addressee* (Figure 8-4). See 494.821a.

– Customs Declarations (Forms 2976 and 2976-A) are required for shipments to Hong Kong containing merchandise samples. See Sections 221.42 and 221.43.

– Form 5625-B, *Next Day and Same Day Airport Express Mail Service Mailing Statement* (Figure 8-5), is to be completed by the sender if pickup service is utilized. See 494.821c.

Table 8-10

[FR Doc. 79-8915 Filed 3-26-79; 8:45 am]

federal register

TUESDAY, MARCH 27, 1979

PART III

DEPARTMENT OF LABOR

Employment and Training Administration

■

FY 1979 VETERANS PREFERENCE INDICATORS OF COMPLIANCE LEVELS

Final Rule

[4510-30-M]

Title 20—Employees' Benefits

CHAPTER V—EMPLOYMENT AND TRAINING ADMINISTRATION, DEPARTMENT OF LABOR

PART 653—SERVICES OF THE EMPLOYMENT SERVICE SYSTEM

Subpart C—Services for Veterans

FISCAL YEAR 1979 VETERANS PREFERENCE INDICATORS OF COMPLIANCE LEVELS

AGENCY: Employment and Training Administration, Labor.

ACTION: Final Rule.

SUMMARY: The Department of Labor is republishing the final regulations published on Friday, March 9, 1979 (44 FR 13244) to correct errors in the rules and omissions to the supplementary information provisions. These regulations are published to establish the fiscal year 1979 levels for the veterans preference indicators of compliance, used by the Department of Labor to monitor State employment service agencies to insure that veteran applicants receive priority service.

EFFECTIVE DATE: April 9, 1979.

FOR FURTHER INFORMATION CONTACT:

Peter Rell, Director, Office of Program Review, U.S. Employment Service, Room 8324, 601 D Street, NW., Washington, D.C. 20213, (202) 376-6914.

SUPPLEMENTARY INFORMATION: As mentioned above, the Department is republishing final fiscal year 1979 Veterans Preference Indicators of Compliance which were initially published on March 9, 1979. This version corrects errors and omissions in the earlier publication. Significant changes to the regulatory provisions contained in that issuance include:

- § 653.230(c)(1)(iv), is changed to read: "A minimum of (*individual state values listed below*) percent of all veteran applicants shall be placed in jobs." (The individual state values are set forth in a table appearing in § 653.230(c)).
- § 653.230(c)(1)(v), is changed to read: "A minimum of *60 percent* of all veteran applicants shall be inactivated with some reportable service.
- A number of sections have been revised to correct the titles and acronyms for Veterans Employment Service staff to reflect recent organizational changes.

In addition, the supplementary information section has been expanded in response to comment 5. That response now reflects the fact that veterans receive additional services which are not reportable under the Department's Employment Security Automated Reporting System. Following are the previously published supplementary information section and regulatory provisions as revised to reflect these corrections.

The Department published proposed regulations for the fiscal year 1979 compliance levels on October 27, 1978, at 43 FR 50379. Interested persons were advised to submit comments on the proposed levels until November 27, 1978. The Department received approximately thirty comments from components of the public employment service system, veterans organizations and general public. The most significant comments and the Department's responses thereto are listed below:

1. Some commentors suggested uniform *job development* and *inactivated with some reportable service* floor levels be established for all States to eliminate the inequity among States and, at the same time, more effectively promote service to veterans. The Department, in accordance with 20 CFR 653.230(c), based its computations of individual State *job development* and *inactivated with some reportable service* floor levels on State agency past year accomplishments and the influence of external factors such as State employment conditions and occupational differences among the applicant population. The regression analysis used to set the proposed floor levels, however, did not reflect the direct and substantial control that State agencies have over delivery of these services to veterans. Thus, the Department acknowledges that various State agencies have successfully undertaken specific management actions to increase job development and overall reportable services to veterans.

In light of these experiences, the Department has determined that management control over the provision of these services is an appropriate factor under 20 CFR 653.230(c) to be used in computing State agency floor levels. Therefore, based on State agency past performance and influence of management control, the Department has changed the proposed fiscal year 1979 individual State floor levels as published in the FEDERAL REGISTER on October 27, 1978 to a uniform floor level of 7.5 percent for *job development* and 60.0 percent for *inactivated with some reportable service* to be applied to all States.

2. Several State employment service agencies objected to the variation in individual State floor levels established for *placement* of veterans. Commentors indicated individual State floor levels for this service area were too high for high performing States and too low for the low performing States. A national floor level requirement that would not vary among States was suggested as a substitute for the proposed FY 1979 individual State *placement* floor levels. The Department, however, has found that the proposed individualized *placement* floor levels are necessary to allow for differing economic and other external conditions among States.

Unlike *job development* and *inactivated with some reportable service* (discussed above), *placement* is an area over which management does not have substantial control. External factors such as employer hiring decisions, level of unionization in nonfarm employment, level of unemployment and distribution of occupational skills among applicants affect the ability of the State agency to achieve *placement* success. The Department anticipates that high performing States will have little difficulty in meeting their assigned floor level for this indicator. It should also be remembered that failure to meet the *placement* floor level or preference indicators does not automatically place a State agency into noncompliance with the standards of performance in the regulations. Changed economic conditions may be taken into account when the Department determines whether or not a State agency is in compliance. Accordingly, the proposed floor levels for each State have been adopted without change.

3. Several State employment service agencies commented that the proposed *referred to training* indicators and corresponding floor and preference levels were based on insufficient data and did not take into account the limited training opportunities which will be available to ES veteran applicants given the emphasis of the 1978 CETA Reauthorization on serving the economically disadvantaged. Some commentors stressed the need to clarify the definition of "referral to training" in view of the different interpretation by State agencies as to what can appropriately be reported for these indicators. One commentor believed the preference level for disabled veterans *referred to training* was too high and did not reflect the exposure to counseling and rehabilitation services disabled veterans receive from the Veterans Administration prior to filing job applications with ES. Several commentors suggested that the Department conduct further review of the proposed *referred to training* indicators before including them in the veterans indicators of compliance package.

The Department proposed the establishment of *referred to training* indicators to measure services provided in

accordance with the requirements of 38 U.S.C. Chapter 41 and the performance standards described in Federal regulations at 20 CFR 653.221(a)(7). However, the Department considers the comments received pertaining to the 1978 CETA Reauthorization and interpretation of Federal reporting instructions to be persuasive at this time. The emphasis of the 1978 CETA Reauthorization on serving the disadvantaged could limit training opportunities available to veteran applicants since less than one-fourth of ES's veteran applicants are economically disadvantaged during any given year. In addition, the Department agrees that inadequate historical data is currently available to set meaningful levels for the *referred to training* indicators. Since the decision to include *referred to training* as a reporting item on the Department's Employment Security Automated Reporting System (ESARS) was not reflected on the FY 1978 ESARS reporting forms, some confusion arose concerning how to record these *referred to training* counts. The result was inconsistent implementation of the *referred to training* reporting standards during FY 1978. In view of these concerns the Department believes the inclusion of *referred to training* floors and preference level indicators of compliance for FY 1979 would not be appropriate at this time. Accordingly, the Department will reconsider the establishment of *referred to training* indicators for FY 1980.

As a result of the Department's decision to delay implementation of the *referred to training* indicators, State agencies will be required to meet the *placement* and any two of the remaining floor levels of accomplishment and meet nine of the sixteen veterans preference indicators described at 20 CFR 653.230.

4. One commentor complained that the proposed FY 1979 preference level for *placement* of disabled veterans was too high, since some disabled veterans are very selective in their job choices due to the adverse impact acceptance of a job can have on their receipt of disability payments. The Department was informed by the Veterans Administration (VA) that compensation received by disabled veterans is affected by job acceptance only in the case where a disability rating is based on a determination of unemployability. The VA indicated further that only veterans with a disability rating between 60 and 90 percent would possibly have a rating based on unemployability and that less than 5 percent of all veterans receiving disability payments would have these payments affected by job acceptance. The Department also considers the proposed *placement* preference level for disabled veterans necessary to ensure that the special needs of these veterans are addressed by all State agencies. Therefore, the proposed FY 1979 preference level for *placement* of disabled veterans will remain unchanged.

5. Several commentors felt that the proposed indicators were too low in view of the statutory requirement in 38 U.S.C. 2007(a)(1) that the Secretary of Labor establish administrative controls to insure that each eligible veteran and each eligible person receives some specific form of employment assistance. In accordance with this provision, the Department has established in 20 CFR 653.221-226, comprehensive standards of performance governing services to veterans and eligible persons which must be met by State agencies. ETA Regional Administrators have responsibility for the quarterly review and assessment of State agency compliance with these standards of performance pursuant to 20 CFR 653.230(k).

The veterans preference indicators provide an additional monitoring and assessment instrument for determining compliance in accordance with the mandate of 38 U.S.C. 2007(b). The indicators set numerical values for measuring several key areas of service to veterans and eligible persons utilizing data available through the Department's ESARS reporting system. The Department drafted the proposed indicators for FY 1979 after analyzing performance data from FY 1977 and FY 1978. The intent was to set the indicators at a level which could be realistically achieved but which would encourage improvement by low performing State agencies. The value of this approach has been demonstrated by the continuing decline, over the past two years, in the number of State agencies not meeting the indicators. Furthermore, veterans receive a number of additional services designed to substantially enhance their employment prospects, but which are not reportable items on the ESARS reporting system. Finally, the Department intends to analyze this year's results carefully so that any appropriate adjustments may be made for FY 1980.

6. Three commentors discussed the problems involved with the placement preference for recently separated Vietnam-era veterans in the so-called mandatory job listing openings which government contractors are required to list with the employment service under 38 U.S.C. 2012(a). The comments pointed out that the number of recently separated Vietnam-era veterans would be minimal after May 1979 because of the definitional limitation to veterans submitting job applications within four years of their discharge from the military. This definitional restriction would in turn make it difficult for State employment service agencies to meet the preference indicator for mandatory job listings. One commentor also expressed concern that veterans who faced combat in Vietnam and who were discharged from the military more than four years ago would not be eligible for the preference.

The Department notes that Congress was explicit in its determination that recently separated Vietnam-era veterans be provided preference in job openings which government contractors are required to list with the employment service under 38 U.S.C. 2012(a). Any change with regard to this statutory preference would therefore have to be made by Congress. The Department does not anticipate that the definitional limitation for recently separated Vietnam-era veterans will be a significant barrier to State agency compliance with the mandatory job listing preference indicator in FY 1979 and, therefore, the preference level has not been changed. However, to the extent that the definitional limitation may be shown to substantially prevent a State agency from complying with the indicator requirements, the Department may consider such a showing as good cause evidence for noncompliance under 20 CFR 653.230(k)(2). Since the impact of the definitional limitation will be felt most heavily in FY 1980, the Department will reconsider its position on this issue at that time.

7. One commentor suggested that the number of veterans *inactivated with some reportable service* be measured against the total number of veterans who were inactivated. Current practice is to measure the number of veterans *inactivated with some reportable service* against the total number of veteran applicants, in both active and inactive status. Although this suggested change would provide a more technically accurate measure of service rates for veterans *inactivated with some reportable service*, the Department has determined that it would not be in the best interest of the veterans served to change the method of computation at this time. The current method of computation affords a reasonably accurate measure of overall services provided to veterans. Moreover, such a substantial change in methodology following only one year of experience with the current formulas may create unnecessary confusion and reduce the potential effectiveness of the compliance indicators in promoting increased services to veterans. However, the Department will further consider the suggested computational change in the future.

The final regulations also make several clarifying and technical changes to reflect recent organizational

changes within ETA. For the convenience of its readers, the Department is republishing the entire 20 CFR part 653, Subpart C, as amended.

Accordingly, 20 CFR Chapter V, Part 653, Subpart C, is revised to read as follows:

Subpart C—Services for Veterans

PURPOSE AND DEFINITIONS

Sec.
653.200 Purpose and scope of subpart.
653.201 Definitions of terms used in subpart.

FEDERAL ADMINISTRATION

653.210 Role of the Administrator.
653.211 Role of the Veterans Employment Service (VES).
653.212 Role of Regional Administrator (RA).
653.213 Assignment and role of Regional Directors for Veterans' Employment (RDVE's).
653.214 Assignment and role of State Directors for Veterans' Employment (SDVE's).

STANDARDS OF PERFORMANCE GOVERNING STATE AGENCY SERVICES TO VETERANS AND ELIGIBLE PERSONS

653.220 Standards of performance.
653.221 Standards of performance governing State agency service.
653.222 Performance standard on facilities for VES staff.
653.223 Performance standards on reporting.
653.224 Performance standards governing the assignment and role of Local Veterans' Employment Representatives (LVER's).
653.225 Standards of performance governing State agency cooperation and coordination with other agencies and organizations interested in the employment development of veterans and eligible persons.
653.226 Standards of performance governing complaints of veterans and eligible persons.

FEDERAL MONITORING OF STATE AGENCY COMPLIANCE

653.230 Veterans preference indicators of compliance.
653.231 Secretary's annual report to Congress.

AUTHORITY: 38 U.S.C. chapters 41 and 42; Wagner-Peyser Act, as amended, 29 U.S.C. 49 et seq.; sec. 104 of the Emergency Jobs and Unemployment Assistance Act of 1974 Pub. L. 93-567, 88 Stat. 1845.

Subpart C—Services for Veterans

PURPOSE AND DEFINITIONS

§ 653.200 Purpose and scope of subpart.

(a) This subpart contains the Department of Labor's regulations for implementing 38 U.S.C. 2001-2008 (Chapter 41) which requires the Secretary of Labor to refer eligible veterans and eligible persons to employment and training opportunities through the public employment service system established pursuant to the Wagner-Peyser Act, as amended, 49 U.S.C. et seq.

(b) This subpart reiterates the requirement contained in the Department of Labor's Office of Federal Contract Compliance Programs' regulation under 38 U.S.C. 2012(a) at 41 CFR 60-250.33. 41 CFR 60-250.33, paragraphs (a) and (b), require State employment service agencies to refer qualified disabled veterans and veterans of the Vietnam era on a priority basis to job openings listed with them by certain Federal contractors pursuant to 38 U.S.C 2012(a). Section 653.221(a)(7)(i), moreover, goes beyond the requirement of 41 CFR 60-250.33 by requiring State agencies to give priority in referral to qualified disabled veterans and veterans of the Vietnam era with respect to all job openings listed with the State agency's local offices.

(c) This subpart references the Department of Labor's Office of Federal Contract Compliance Programs' regulation under 38 U.S.C. 2012(b) at 41 CFR 60-250.26. That regulation provides that disabled veterans and veterans of the Vietnam era may file with Local Veterans' Employment Representatives complaints alleging violations of 38 U.S.C. 2012 or of the Department's regulations at 41 CFR Part 60-250. 41 CFR 60-259.26 also sets forth the procedures for handling such complaints.

(d)(1) This subpart partially implements section 104 of the Emergency Jobs and Unemployment Assistance Act of 1974, Pub. L. 93-567, 88 Stat. 1845, Sec. 104 of that Act requires the Secretary of Labor, in consultation and cooperation with the Administrator of Veterans' Affairs and the Secretary of Health, Education, and Welfare, to provide for an outreach and public information program to produce jobs and training opportunities for all persons who were discharged from the Armed Forces within four years of the date they apply for such jobs or job training.

(2) The Department has also implemented section 104 of the Emergency Jobs and Unemployment Assistance Act of 1974 in the regulations under the Comprehensive Employment and Training Act (CETA) at 29 CFR Parts 94-99.

(3) The Secretary has also implemented section 104 of the Emergency Jobs and Unemployment Assistance Act of 1974 by Secretary's Order 17-76, which established within the Department of Labor a Secretary's Committee on Veterans' Affairs, and which assigns to the Committee the following functions:

(i) Serving as the principal advisory and coordinating group to the Secretary of Labor on matters affecting veterans;

(ii) Consulting with and providing guidance to the appropriate DOL Agencies and the DOL Program and Budget Review Committee (PBRC) [reconstituted as the Management Review Committee by Secretary's Order 3-77] on the formulation, implementation and redirection of departmental policies and programs as they affect veterans, especially in the areas of unemployment, job training, employment and reemployment;

(iii) Reviewing the operational effectiveness of departmental plans and programs affecting veterans;

(iv) Facilitating DOL executive-level communications on veterans' affairs within the Department and with other governmental agencies, veterans' organizations, labor, management, and the Congress;

(v) Reviewing and suggesting research essential to the implementation of effective departmental programs on behalf of veterans; and

(vi) Coordinating the preparation of any reports to the Congress concerning veterans' affairs which involve the activities of more than one DOL agency.

(e)(1) This subpart also implements 38 U.S.C. Chapter 42 in that: (i) Title IV of the Vietnam Era Veterans' Readjustment Assistance Act of 1974 amended 38 U.S.C. Chapter 41, section 2007 by adding a new subsection (b) which states:

> The Secretary of Labor shall establish definitive performance standards for determining compliance by State public employment agencies with the provisions of this chapter and chapter 42 of this title. A full report as to the extent and reasons for any noncompliance by any such State agency during any fiscal year, together with the agency's plan for corrective action during the succeeding year, shall be included in the annual report of the Secretary of Labor required by subsection (c) of this section.

(ii) Title VI of the Veterans' Education and Employment Assistance Act of 1976 amended 38 U.S.C., Chapter 42, section 2012, by adding a new subsection (c) which states:

> The Secretary shall include as part of the annual report required by section 2007(c) of this title the number of complaints filed pursuant to subsection (b) of this section [2012], the actions taken thereon, and the resolutions thereof. Such report shall also include the number of contractors listing suitable employment openings, the nature, types, and number of positions listed and the number of veterans receiving priority pursuant to subsection (a)(2) of this section.

(2) Since section 2012 of 38 U.S.C. Chapter 42 places responsibilities on State employment service agencies, this subpart prescribes performance standards for such agencies. The Department has also prescribed regulatory standards under 38 U.S.C. 2012 for such agencies at 41 CFR Part 60-250.

(f) This subpart references section 205(c)(5) of the Comprehensive Employment and Training Act of 1973 (CETA), as amended, 29 U.S.C. 801 et seq. Section 205(c)(5) requires that applicants for public service employment funds under Title II of CETA must provide the Department of Labor with assurances that they will give special consideration to certain unemployed veterans who served in the Armed Forces in Indochina or Korea on or after August 5, 1964. (See 29 CFR 94.4(2).)

§ 653.201 Definitions of terms used in subpart.

"Administrator, United States Employment Service (Administrator)" shall mean the chief official of the United States Employment Service (USES).

"Assistant State Director for Veterans' Employment (ASDVE)" shall mean a Federal employee who is designated as an assistant to a State Director for Veterans' Employment (SDVE).

"Deputy Assistant Secretary for Veterans Employment (DASVE)" shall mean the Department of Labor official who is the chief official of the Veterans Employment Service.

"Disabled Veteran" shall mean either: (1) A person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at less than 30 per centum, or (2) a person who is a "special disabled veteran" as defined in this section. (Note: Special disabled veterans are a subcategory of disabled veterans. Persons who are special disabled veterans, therefore, are one kind of disabled veterans, but they shall be designated as special disabled veterans for application and referral purposes.)

"Eligible person" shall mean:

(1) The spouse of any person who died of a service-connected disability; or

(2) The spouse of any member of the armed forces serving on active duty who, at the time of application for assistance under this subpart, is listed, pursuant to 37 U.S.C. 556 and the regulations issued thereunder, by the Secretary concerned, in one or more of the following categories and has been so listed for a total of more than 90 days: (i) Missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power; or

(3) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

"Eligible veteran" shall mean a person who served in the active military, naval or air service and who was discharged or released therefrom with other than a dishonorable discharge.

"Local Veterans' Employment Representative (LVER)" shall mean an official in a local office of a State employment service agency, designated by the State Director to serve veterans and eligible persons pursuant to this subpart.

"Recently separated veteran of the Vietnam era" means a "veteran of the Vietnam era" who was discharged or released from active duty within 48 months of his/her application for employment.

"Regional Administrator (RA)" shall mean the chief official of the Employment and Training Administration in each Department of Labor region.

"Regional Director for Veterans' Employment (RDVE)" shall mean the Federal official designated by the DASVE, in each Department of Labor regional office who serves veterans and eligible persons pursuant to this subpart. The RDVE shall report to, be responsible to, and be under the administrative direction of the DASVE. In addition, the RDVE shall report to, be responsible to, and be under the operational direction of the RA.

"Reportable service" shall mean counseling, job development, referral to a job, referral to training, enrollment in training, referral to supportive services, testing, and placement.

"Special disabled veteran" shall mean a person entitled to disability compensation under laws administered by the Veterans Administration for a disability rated at 30 per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in line of duty.

"State Director for Veterans' Employment (SDVE)" shall mean a Federal official, designated by the DASVE, who, under the RDVE, serves the employment needs of veterans and eligible persons in a particular State pursuant to this subpart.

"United States Employment Service (USES)" shall mean the component of the Employment and Training Administration of the Department of Labor, established under the Wagner-Peyser Act of 1933 to coordinate a national system of public employment service agencies.

"Veteran" shall mean "eligible veteran", "disabled veteran", "special disabled veteran", and "Veteran of the Vietnam era".

"Veteran of the Vietnam era" shall mean a person who: (1) Served on active duty for a period of more than 180 days, any part of which occurred during the Vietnam era (August 5, 1964 through May 7, 1975) and was discharged or released therefrom with other than a dishonorable discharge; or (2) was discharged or released from active duty for a service-connected disability if any part of such active duty was performed during the Vietnam era.

"Veterans Employment Service (VES)" shall mean the organizational component within the Employment and Training Administration which is concerned with policies and services relating to employment development on behalf of veterans and eligible persons.

FEDERAL ADMINISTRATION

§ 653.210 Role of the Administrator.

The Administrator, USES, shall have overall responsibility for administering this subpart and for monitoring, in coordination with other ETA components, State agency compliance with the regulations under this subpart.

§ 653.211 Role of the Veterans Employment Service (VES).

(a) The Deputy Assistant Secretary for Veterans Employment (DASVE) shall monitor and evaluate the performance of the State agencies under this subpart. The DASVE shall make every effort, in coordination with the Veterans Administration, Department of Health, Education, and Welfare, other Federal and State agencies, educational institutions, unions, veterans organizations, and community groups to produce job and training opportunities for veterans and eligible persons through Department of Labor administered programs relating to unemployment, job training, and employment.

(b) The DASVE, shall have a VES field staff comprised of Regional Directors for Veterans' Employment (RDVE's), State Directors for Veterans' Employment (SDVE's), and assistants to the SDVE's (ASDVE's) and their staffs, RDVE's, SDVE's and ASDVE's shall provide functional supervision, guidance and assistance to the State agencies pursuant to this subpart.

[43 FR 9093, Mar. 3, 1978; 43 FR 12855, Mar. 28, 1978]

§ 653.212 Role of the Regional Administrator (RA).

Each RA shall have overall responsibility in the region for administering this subpart and for monitoring State agency compliance with the regulations under this subpart.

§ 653.213 Assignment and role of Regional Directors for Veterans' Employment (RDVE's).

(a) The DASVE shall assign an RDVE to each Employment and Training Administration (ETA) regional office. Every RDVE shall be an

eligible veteran, who shall be appointed pursuant to the provisions of 5 U.S.C. which govern appointments in the Federal competitive service, and who shall be paid pursuant to the provisions of 5 U.S.C. which govern appointments in the Federal competitive service, and who shall be paid pursuant to the provisions of 5 U.S.C. Chapter 51, and Chapter 53 of subchapter III.

(b) An RDVE shall be stationed in each ETA regional office. The RDVE shall be a member of the ETA regional executive staff.

(c) The RDVE shall provide advice and expertise to the RA on matters relating to ETA services to veterans and eligible persons. The RDVE shall also:

(1) Supervise the activities of all VES field staff within the region;

(2) Provide support for, and assist in the coordination of, all ETA policies and programs as they affect veterans, especially policies and programs relating to unemployment, job training, and employment by:

(i) Providing direction and support to SDVE's and ASDVE's;

(ii) Reviewing SDVE and other findings regarding State agency compliance with the regulations under this subpart and recommending appropriate corrective action to the RA;

(iii) Assisting other ETA regional office staff in the coordination of ETA employment and training programs as they affect veterans;

(iv) Coordinating within the region ETA activities relating to veterans' services with other agencies and organizations, such as the Department of Defense, the Veterans Administration, the U.S. Civil Service Commission, the President's Committee on Employment of the Handicapped, the Office of Vocational Rehabilitation and other Department of Health, Education, and Welfare agencies, labor unions, veterans organizations, employers and community organizations;

(v) Cooperating with the Employment Standards Administration of the Department of Labor in the resolution of complaints by veterans under the Department's regulations at 41 CFR Part 60-250; and

(vi) Monitoring and assessing unemployment, job training, employment and other services to veterans under ETA regulations.

(3) Monitor and evaluate State agency performance under this subpart by:

(i) Reviewing and analyzing monthly, quarterly and annual reports required by ETA data systems. RDVEs shall compare actual services to veterans by each State agency by comparing the statistics generated by the veterans preference indicators of compliance set forth in § 653.230 against the performance standards set forth at § 653.221-26; and

(ii) With input from SDVEs as appropriate, assisting the RA in conducting that portion of periodic and special reviews of State agency performance pertaining to the provision of services to veterans.

§ 653.214 Assignment and role of State Directors for Veterans' Employment (SDVEs).

(a) A representative of the VES shall be assigned to each State agency to serve as the State Director for Veterans' Employment (SDVE). One Assistant State Director for Veterans' Employment (ASDVE) shall be assigned to each State agency per each 250,000 eligible veterans and eligible persons in the State population and additional ASDVEs shall be assigned whenever the data collected under this subpart indicates that additional ASDVEs are necessary.

(b) Each SDVE and ASDVE shall be an eligible veteran, who, at the time of appointment, shall have been a bona fide resident of the State for at least 2 years, and shall be appointed pursuant to the provisions of 5 U.S.C. which govern appointments to the Federal competitive service, and who shall be paid pursuant to the provisions of 5 U.S.C. Chapter 51 and Chapter 53, Subchapter III.

(c) The SDVE, ASDVEs, and their VES Federal support staff shall be attached to the State office staff of the State agency to which they are assigned.

(d) Under the direction and supervision of the RDVE, and in cooperation with the State agency staff and the staffs of other ETA funded employment and training programs in the State, the ASDVEs and SDVE shall:

(1) Provide support and assist in coordinating all ETA policies and all ETA funded programs in the State as they affect veterans and eligible persons, especially policies and programs relating to unemployment, job training, and employment;

(2) Functionally supervise services to veterans by the State agency. Functional supervision shall consist of assisting State agency personnel in carrying out services to veterans and eligible persons and evaluating their performance. Functional supervision shall entail providing technical assistance, making suggestions for improvement of services, helping to plan programs and projects, checking for compliance with ETA regulations affecting veterans helping to correct errors by working with local and State staffs, analyzing work as it affects veterans and eligible persons, training new State agency employees and providing refresher courses for State agency staff, bringing matters which require corrective action to the attention of those State agency personnel who have authority over policy, procedures and staff. Functional supervision does not authorize an SDVE or ASDVE to hire, fire, discipline or issue directives to State agency employees. Nor does it authorize an SDVE or ASDVE to make regulations, change procedures or establish policies for the State agency without specific authority from the State agency;

(3) Engage in job development and job advancement activities on behalf of veterans and eligible persons, including coordination with the Veterans Administration in its carrying out of the Veterans Outreach Services program under subchapter IV of chapter 3 of 38 U.S.C., and including the conduct of job fairs, job marts and other special programs to match veterans and eligible persons with appropriate job and job-training opportunities;

(4) Assist in securing and maintaining current information on available employment and training opportunities, using, when feasible, electronic data processing and telecommunications systems, and in matching veteran and eligible persons applicants' qualifications with available jobs, training and apprenticeship opportunities;

(5) Promote the interest of employers and labor unions in employing and in conducting on-the-job training and apprenticeship programs for veterans and eligible persons;

(6) Maintain regular contact with employers, labor unions, training program sponsors and veterans organizations to keep them advised of veterans and eligible persons who are available for employment and training;

(7) Keep veterans and eligible persons advised of opportunities for employment and training; and

(8) Coordinate, in conjunction with the RDVE as appropriate, ETA activities relating to veterans services within the State with the activities of other agencies and organizations such as the Veterans Administration, the Department of Defense, the U.S. Civil Service Commission, the Department of Health, Education, and Welfare, State agencies such as Vocational Rehabilitation agencies, Governors Committees on Employment of the Handicapped, and unions, veterans organizations, employer associations, and other community groups.

(9) Monitor and evaluate State agency performance under this subpart using local office and State agency reports including:

(i) Monthly, quarterly and annual reports of actual activity levels generated by required data systems;

(ii) Reports generated by the State agency Self-Appraisal System; and

(iii) Internal reports prepared by State agency staffs such as field super-

visory, technical assistance and research staffs.

(10) Compare actual services to veterans and eligible persons against the standards for State agency performance set forth at § 653.221-26.

(11) Conduct periodic onsite reviews of local offices to assess their performance under this subpart. Such reviews shall include detailed, comprehensive analyses of all local office activities related to serving veterans and eligible persons, and spot-checks of particular local offices to validate information the SDVE has obtained through the State agency Self-Appraisal System, regular data systems, field supervisors, technical staff or otherwise. The SDVE shall review the performance of large local offices at least once each fiscal year on a formal, comprehensive, in-depth basis, and shall periodically review smaller local offices which evidence problems in providing services to veterans and eligible persons pursuant to this subpart until the problems are resolved.

STANDARDS OF PERFORMANCE GOVERNING STATE AGENCY SERVICES TO VETERANS AND ELIGIBLE PERSONS

§ 653.220 Standards of performance.

Sections 653.221-226 set forth the standards of performance governing services to veterans and eligible persons which must be met by the State employment service agencies.

§ 653.221. Standards of performance governing State agency services.

(a) Each State agency shall assure that all of its local offices, using LVERs and other staff, offer the following services to all veterans and ligible persons:

(1) *Registration.* Local offices shall encourage all veterans and eligible persons to file complete applications for appropriate job or training opportunities by explaining the services they may expect to receive on the filing of a full application. Local offices, however, may take partial applications for veterans and eligible persons if they are job attached, or if they are on strike or layoff and expecting to return to work unless such applicants request the opportunity to file full applications. Local offices may also take partial applications on veteran and eligible person applicants who say they do not wish to file full applications after the benefits of filing a full application have been explained to them.

(2) *Interviewing.* As appropriate, local offices shall interview veterans and eligible persons on a priority basis to review and analyze the information on their application cards, to assure that all of the applicant's qualifications for employment are adequately presented, to determine any need for employment counseling, to evaluate the occupationally significant facts about the applicants, and to select suitable job choices and job-finding techniques.

(3) *Counseling.* As appropriate, qualified local office staff shall discuss with veteran and eligible person applicants on a priority basis their present and potential qualifications for work, alternative vocational choices, and occupational requirements to assist them in formulating a plan to achieve their occupational and/or training goals. As appropriate, the counselors shall also provide such applicants with assistance in solving problems relating to the obtaining or holding of jobs.

(4) *Testing.* As appropriate, qualified local office staff shall administer objective aptitude and proficiency tests to veteran and eligible person applicants on a priority basis.

(5) *Referral to supportive services.* As appropriate, local offices shall refer veteran and eligible person applicants on a priority basis to supportive services available in the community such as medical, legal aid, child care and transportation assistance, which are likely to assist them to obtain employment and/or training.

(6) *Job development.* As appropriate, local offices shall attempt to develop job openings for veteran and eligible person applicants on a priority basis through employer contacts and otherwise whenever suitable job openings are not available in local office files. Such efforts shall include attempts to foster the elimination of hiring requirements not related to job performance.

(7) *Job and training referral.* (i) Whenever there is more than one applicant qualified for a job opening, or for a training opportunity, local offices, except as provided in paragraphs (a)(7) (ii) and (iii) of this section, shall observe the following order of priority in making referrals to the job openings or training opportunity:

(A) Qualified special disabled veterans;

(B) Qualified veterans of the Vietnam era;

(C) Qualified disabled veterans other than special disabled veterans;

(D) All other qualified veterans and eligible persons;

(E) Qualified nonveterans.

(ii) Whenever there is more than one applicant qualified for a job opening listed under the mandatory listing requirement of 38 U.S.C. 2012, local offices shall observe the order of priority in making referrals set forth in paragraph (a)(7)(i) of this section, except that qualifed *recently separated* veterans of the Vietnam era shall be referred ahead of other qualified veterans of the Vietnam era.

(iii) Whenever a State agency or a local office is a subgrantee or contractor under the Comprehensive Employment and Training Act (CETA) or title IV of the Social Security Act (Work Incentive (WIN) Program), the local office shall refer veterans to job and training opportunities under those programs in accordance with the CETA regulations at 29 CFR Parts 94-99 or the WIN regulations at 29 CFR Part 56.

(b) State agencies shall:

(1) Establish outreach programs designed to make veterans and eligible persons aware of the ES services available to them. Such programs shall include contact with veterans organizations, Veterans Administration facilities, military bases, military hospitals and other appropriate organizations. The State agency public information program shall develop and disseminate labor market information to assist veterans and eligible persons in job search activities, using public service announcements in the media as appropriate.

(2) Provide special designation, filing and retrieval procedures in each local office to readily identify veteran and eligible person applications and to monitor the provision of services to veteran and eligible person applicants on a priority basis. Separate special designation shall also be given to applications of disabled veterans.

(c) Local offices shall review veteran and eligible person applications each 30 calendar days and, if no reportable service has been recorded during the previous 30 calendar days, shall, if possible, determine each applicant's current status and desire for further ES assistance by telephone, visit, or mail. If further assistance is desired by the applicant, the local office shall initiate reportable services as appropriate. All reportable services given shall be noted on the applicant's application card.

(d) Local offices shall assure that the applications of veterans and eligible persons are not automatically inactivated in accordance with normal procedures without the following special review:

(1) Identification of the applications of veterans and eligible persons scheduled for inactivation;

(2) A file search for their records; and evidence that warrants inactivation such as placement in a job or training opportunity, an explicit request from an applicant to inactivate an application, notice that applicant has moved out of the local office jurisdiction, etc. If inactivation is scheduled but not warranted, appropriate reinstatement actions should be taken.

(e) Whenever feasible, local offices shall refer qualified veterans and eligible applicants within two working days

after they file their applications to job opportunities developed under the mandatory listing requirement of the Department's regulations at 41 CFR Part 60-250, under the Comprehensive Employment and Training Act (CETA), or contained in Job Bank listings. If necessary, local office hours and staff working schedules shall be adjusted so that this requirement can be met.

§ 653.222 Performance standard on facilities for VES staff.

Each State agency shall provide adequate and appropriate facilities including office space, furniture, telephone, etc. to the SDVE, ASDVEs and VES support staff attached to the State agency.

§ 653.223 Performance standards on reporting.

(a) State agencies shall provide RDVEs, SDVEs, and ASDVEs with access to regular and special internal State agency reports which relate in whole or in part with services to veterans and/or eligible persons.

(b) No special reporting requirements are established by this subpart. Existing reporting systems include information on services to veterans and eligible persons and shall be used by ETA and the State agencies to administer the provisions of this subpart. ETA, however, may require special reports from State agencies from time to time.

§ 653.224 Performance standards governing the assignment and role of Local Veterans' Employment Representatives (LVERs).

(a) At least one member of each State agency staff, preferably an eligible veteran, shall be assigned by the State Director as a full-time Local Veterans' Employment Representative (LVER) to every local office which:

(1) Has had 1,000 new and renewal applications from veterans and eligible persons during the last Federal fiscal year; or

(2) Has a total of 6,000 veterans and eligible persons in the local office administrative area population.

(b) The State Director may:

(1) Assign additional full-time LVERs to local offices described in paragraph (a) of this section based on the State Director's determination of need; and

(2) Assign less than full-time LVERs to local offices described in paragraph (a) of this section if a lack of need for a full-time LVER is documented to the satisfaction of the DASVE as evidenced by the written approval of the DASVE.

(c) The State Director shall assign LVERs on a part-time basis to local offices other than those described in paragraph (a) of this section. State Directors shall assure that periodic evaluations are made to determine the adequacy of services provided to veterans and eligible persons, and if necessary, they shall reallocate the time devoted to serving veterans and eligible persons by, for example, assigning additional full-time LVERs.

(d) Each LVER shall discharge, at the local office level, the duties prescribed for the SDVE in paragraph (d) of § 653.214. The LVER may also be delegated line supervision over veterans units assistant LVERs and veteran aides and may be assigned direct duties with respect to services for veterans and eligible persons by the local office manager.

(e) Each LVER shall be administratively responsible to the local office manager and shall provide functional supervision over all local office services to veterans and eligible persons. The term "functional supervision" as used in this paragraph shall mean evaluating local office personnel in their performance of services to veterans and eligible persons and assisting them to carry out these services more effectively.

(1) Functional supervision entails providing technical assistance, making suggestions for the improvement of services, helping to plan programs, initiating projects, checking for compliance with regulations, helping to correct errors by working with local office staff, analyzing work as it affects veterans and eligible persons, training new local office employees, providing refresher courses for other staff, and assisting all local office personnel to improve services to veterans and eligible persons. It also involves the bringing of matters which the LVER believes require corrective action to the attention of the local office manager and other officials who have line authority to set or change policy and procedure and to supervise staff.

(2) Functional supervision does not entail the right to hire, fire, or discipline any local office employee. Nor does it authorize an LVER to make regulations, change procedures or establish policies for the local office without specific authority from the local office manager.

§ 653.225 Standards of performance governing State agency cooperation and coordination with other agencies and organizations interested in the employment development of veterans and eligible persons.

(a) Each State agency shall establish cooperative working relationships with the Veterans Administration (VA) office serving the State to maximize the use of VA training progams for veterans and eligible persons, particularly on-the-job and other skill training. Such working relationships should provide for the exchange of information on available training opportunities and on veterans and eligible persons available to be trained, the placing of job orders with the ES by employers who provide VA-approved on-the-job training, the referral of veterans and eligible persons to such job openings, and joint ES-VA programs to aid VA field staff in providing assistance to employers with VA programs. Each State agency should develop a written agreement with its VA counterpart covering areas of mutual concern and delineating each agency's areas of responsibility.

(b) Each State agency shall develop cooperative arrangements with public agencies and other organizations who are sponsors of programs under the Comprehensive Employment and Training Act of 1973 (CETA). State agencies shall make their staffs aware of the fact that, under section 205(c)(5) of the Comprehensive Employment and Training Act, sponsors of public service employment programs under Title II of that Act are required to make special efforts to acquaint veterans with the public service jobs available under Title II of CETA and to coordinate their efforts on behalf of veterans with ES activities under this subpart.

§ 653.226 Standards of performance governing complaints of veterans and eligible persons.

(a) Any veteran or eligible person may file a complaint with the LVER. The LVER shall handle the complaint in accordance with the provisions of Subpart E of Part 658 of this chapter except that, if the complaint relates to the responsibilities of an employer under 38 U.S.C. 2012, the LVER shall follow the Department's complaint procedures set forth at 41 CFR Parts 60-250.

(b) Each local office shall have information on the complaint system available to veterans and eligible persons at all times, and shall display a poster which advises applicants about the system.

Federal Monitoring or State Agency Compliance

§ 653.230 Veterans preference indicators of compliance.

(a) To help in determining whether the standards of performance set forth in §§ 653.221-226 are being met, the ETA shall use the floor levels and the veterans preference indicators of compliance set forth in this section to compare the level of services provided to veterans and eligible persons with the level of services provided to non-veterans.

(b) The term "applicants" as used in this section shall mean individuals who filed or renewed job applications during the fiscal year. To improve statistical comparability, the term "nonveteran" as used in this section shall not include women and persons 19 years of age or younger. The term "veteran" as used in this section, shall include eligible persons. The term "disabled veteran", as used in this section, shall include "special disabled veteran".

(c) To prevent State agencies, which are actually performing at low levels of accomplishment, from mathematically appearing, according to the veterans preference indicators of compliance, to be doing well, the ETA shall establish a floor (minimum) level of expected accomplishment for each State for each reportable service for each Federal fiscal year. Each year ETA shall consider each State agency's past year's accomplishments as a major factor in establishing the floor level of accomplishment for the next Federal fiscal year. Computation of the floor levels shall also be based on external and other appropriate factors.

(1) The floor levels shall be stated as the ratio of veteran individuals served to the number of veterans applying for service, rather than the number of veterans served, to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods, and locations. The floor levels of accomplishment for FY 1979 shall be as follows:

(i) A minimum of 6 percent of those veterans applying for service shall be counseled.

Veterans Counseled/Veteran Applicants=6 percent.

(ii) A minimum of (NA FY 1979) percent of all veteran applicants shall be referred to training.

Veterans Referred to Training/Veteran Applicant=(NA FY 1979) percent.

(iii) A minimum of 7.5 percent of all veteran applicants shall be provided job development.

Veteran Job Development Contacts/Veteran Applicants=7.5 percent.

(iv) A minimum of (individual State values listed below) percent of all veteran applicants shall be placed in jobs.

Veteran Applicants Placed/Veteran Applicants=(see list below for State values).

(v) A minimum of 60 percent of all veteran applicants shall be inactivated with some reportable service.

Veteran Applicants Inactivated With Some Service/Veteran Applicants=60 percent.

	(iv) Placed
	Percent
Region I (Boston):	
Connecticut	14
Maine	24
Massachusetts	19
New Hampshire	24
Rhode Island	24
Vermont	24
Region II (New York):	
New Jersey	22
New York	22
Puerto Rico	23
Virgin Islands	.....
Region III (Philadelphia):	
Delaware	14
District of Columbia	24
Maryland	20
Pennsylvania	19
Virginia	22
West Virginia	23
Region IV (Atlanta):	
Alabama	24
Florida	24
Georgia	24
Kentucky	23
Mississippi	24
North Carolina	23
South Carolina	22
Tennessee	23
Region V (Chicago):	
Illinois	18
Indiana	19
Michigan	16
Minnesota	24
Ohio	18
Wisconsin	24
Region VI (Dallas):	
Arkansas	24
Louisiana	24
New Mexico	24
Oklahoma	24
Texas	24
Region VII (Kansas City):	
Iowa	24
Kansas	24
Missouri	24
Nebraska	24
Region VIII (Denver):	
Colorado	24
Montana	24
North Dakota	24
South Dakota	24
Utah	24
Wyoming	24
Region IX (San Francisco)	
Arizona	24
California	23
Guam	.....
Hawaii	24
Nevada	23
Region X (Seattle):	
Alaska	24
Idaho	24
Oregon	24
Washington	24

(2) Only after a State agency meets three of its four expected levels of accomplishment—one of which must be the floor level for placement—shall the veterans' indicators be applied.

(d) The ETA shall compare the level of State agency services for veterans versus that for nonveterans by examining rates of service rather than the numbers of persons served to compensate for the differing sizes of comparison groups and to avoid the difficulties associated with establishing absolute numbers under varying conditions, time periods and locations. In addition, the two groups, veterans and nonveterans, shall be compared after adjustments for demographic and other appropriate characteristics to make them as comparable as possible within the limitations of available data systems.

(e) ETA shall establish numerical values for the veterans preference indicators of compliance for each Federal fiscal year for:

(1) Veterans versus nonveterans;

(2) Veterans of the Vietnam era versus nonveterans; and

(3) Disabled veterans versus nonveterans.

(f) Veterans preference indicators of compliance for service to all veterans shall be stated as follows:

(1) The ratio of veteran applicants counseled to the total number of veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 25 percent.

Veteran's counseled/Veteran applicants + Nonveterans counseled/Nonveteran applicants −1.00=25 percent

(2) The ratio of veteran applicants referred to training to the total number of veteran applicants shall exceed the ratio on nonveteran applicants referred to training to the total number of nonveteran applicants by at least (NA FY 1979) percent.

Veterans referred to training/Veteran applicants + Nonveterans referred to training/Nonveteran applicants −1.00=(NA FY 1979) percent.

(3) The ratio of job development contacts made for veterans to the total number of veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 50 percent.

Job development contacts for veterans/Veteran applicants + Job development contacts for nonveterans/Nonveteran applicants −1.00=50 percent.

(4) The ratio of veteran applicants placed in jobs to the total number of veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 10 percent.

Veterans placed/Veteran applicants + Nonveterans placed/Nonveteran applicant −1.00=10 percent.

(5) The ratio of veteran applicants inactivated with some reportable service to the total number of veteran applicants shall be more than the ratio on nonveteran applicants inactivated with some reportable service to the total number of nonveteran applicants by at least 15 percent.

Veterans inactivated with some reportable service/Veteran applicant ÷ Nonveterans inactivated with some reportable service/Nonveteran applicants + 1.00=15 percent.

(g) Veterans preference indicators of compliance for service to veterans of the Vietnam era are as follows:

(1) The ratio of Vietnam-era veteran applicants counseled to the total number of Vietnam-era applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 35 percent.

Vietnam-era veterans counseled/Vietnam-era veteran applicants ÷ Nonveterans counseled/Nonveteran applicants −1.00=35 percent.

(2) The ratio of Vietnam-era veteran applicants referred to training to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants referred to training to the total number of nonveteran applicants by at least (NA FY 1979) percent.

Vietnam-era veterans referred to training/Vietnam era veteran applicants ÷ Nonveterans referred to training/Nonveteran applicants −1.00=(NA FY 1979) percent.

(3) The ratio of job development contacts made for Vietnam-era veterans to the total number of Vietnam-era veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 60 percent.

Job development contacts for Vietnam-era veterans/Vietnam-era veteran applicants ÷ Job development contacts for nonveterans/Nonveteran applicants −1.00=60 percent.

(4) The ratio of Vietnam-era veteran applicants placed in jobs to the total number of Vietnam-era veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 15 percent.

Vietnam-era veterans placed/Vietnam-era veteran applicants ÷ Nonveterans placed/Nonveteran applicants −1.00=15 percent

(5) The ratio of Vietnam-era veteran applicants inactivated with some reportable service to the total number of Vietnam-era veteran applicants shall be more than the ratio of nonveteran applicants inactivated with some reportable service to the total number of nonveteran applicants by at least 20 percent.

Vietnam-era veterans inactivated with some reportable service/Vietnam-era veteran applicants ÷ Nonveterans inactivated with some reportable service/Nonveteran applicants −1.00=20 percent

(h) Veterans preference indicators of compliance for service to disabled veterans are as follows:

(1) The ratio of disabled veteran applicants counseled to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants counseled to the total number of nonveteran applicants by at least 100 percent.

Disabled veterans counseled/Disabled veteran applicants ÷ Nonveterans counseled/Nonveteran applicants −1.00=100 percent

(2) The ratio of disabled veteran applicants referred to training to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants referred to training to the total number of nonveteran applicants by at least (NA FY 1979) percent.

Disabled veterans referred to training/Disabled veteran applicants ÷ Nonveterans referred to training/Nonveteran applicants −1.00= (NA FY 1979) percent

(3) The ratio of job development made for disabled veterans to the total number of disabled veteran applicants shall exceed the ratio of job development contacts made for nonveterans to the total number of nonveteran applicants by at least 75 percent.

Job development contacts for disabled veterans/Disabled veteran applicants ÷ Job development nonveterans/Nonveteran applicants −1.00=75 percent

(4) The ratio of disabled veteran applicants placed in jobs to the total number of disabled veteran applicants shall exceed the ratio of nonveteran applicants placed in jobs to the total number of nonveteran applicants by at least 20 percent.

Disabled veterans placed/Disabled veteran applicants ÷ Nonveterans placed/Nonveteran applicants −1.00=20 percent

(5) The ratio of disabled veteran applicants inactivated with some reportable service to the total number of disabled veteran applicants shall exceed the ratio of nonveterans inactivated with some reportable service to the total number of nonveteran applicants by at least 25 percent.

Disabled veterans inactivated with some reportable service/Disabled veteran applicants ÷ Nonveterans inactivated with some reportable service/Nonveteran applicants −1.00=25 percent

(i) The veterans preference indicator of compliance for State agency action under the mandatory job listing requirements of 38 U.S.C. 2012 shall be: The ratio of the total number of recently separated veterans of the Vietnam era and special disabled veterans placed in mandatory listing job openings to total number of individuals placed in mandatory listing job openings shall exceed 7 percent.

(j) Following analysis of the past fiscal year's accomplishments, the numerical value for each of the veterans preference compliance indicators for the next fiscal year will be published in the FEDERAL REGISTER as amendments to paragraphs (f) through (i) of this section.

(k)(1) State agency performance under this subpart shall be reviewed on a quarterly basis by the ETA regional offices during the conduct of regular Operational Planning and Review System (OPRS) reviews. In addition, State agency performance under this subpart shall be formally reviewed by the ETA national office on an annual basis using the floor levels of accomplishment and the veterans preference indicators of compliance. The full results of these reviews shall be incorporated into the Secretary's annual report to the Congress. In order to meet the indicators of compliance, a State agency must:

(i) Meet the placement and any two of the remaining three floor levels of accomplishment at paragraph (c) of this section; and

(ii) Meet 9 of the 16 veterans preference indicators of compliance at paragraphs (f) through (i) of this section, giving each of the three placement indicators double weight.

(2) ETA shall consider failure to meet either of these conditions as evidence that the State agency is not complying with the performance standards at § 653.221-226. Such State agencies shall be required to provide documentary evidence to the ETA that their failure is based on good cause. If good cause is not shown, the ETA, pursuant to Subpart H of Part 658 of this chapter, shall formally designate the State agency as out of compliance, shall require it to submit a corrective action plan for the following Federal fiscal year, and may take other action against the State agency pursuant to Subpart H of Part 658 of this chapter.

(l) Even though a State agency veterans' services statistics, including the floor levels of accomplishment and the veterans preference indicators of compliance, indicate adequate services to veterans, the ETA may take corrective action against a State agency pursuant to Subpart H of Part 658 of this chapter if other information comes to the attention of the ETA which indicates that a State agency is not complying with the requirements of this subpart.

§ 653.231 Secretary's annual report to Congress.

(a) The Secretary shall report, after the end of each Federal fiscal year, on the success of the Department and the State agencies in carrying out the provisions of this subpart. The report shall include, by State:

(1) The number of recently discharged or released eligible veterans, disabled veterans, other eligible veterans and eligible persons who requested assistance through the State agency; and

(2) Of the categories set forth in paragraph (a)(1) of this section, the number placed in employment, placed in job-training opportunities, or otherwise assisted.

(b) The report shall include any determinations that:

(1) A State agency demonstrated a lack of need for assigning a full-time LVER in accordance with § 653.224(b)(2); and

(2) Funds made available under the prior year's appropriations Act were not needed for carrying out the purposes of this subpart.

(c) The report shall include a designation of State agencies which ETA formally designated as out of compliance pursuant to § 653.230(k) with the standards of performance set forth in this subpart along with those agencies' plans for corrective action during the succeeding Federal fiscal year.

Signed at Washington, D.C., this 22d day of March 1976and supafrt79.

ERNEST G. GREEN,
Assistant Secretary for Employment and Training.

[FR Doc. 79-9254 Filed 3-26-79; 8:45 am]

federal register

TUESDAY, MARCH 27, 1979

PART IV

DEPARTMENT OF ENERGY

Economic Regulatory Administration

■

GRANTS FOR OFFICES OF CONSUMER SERVICES

Proposed Rulemaking and Public Hearing

[6450-01-M]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Part 460]

[Docket No. ERA-R-79-13]

GRANTS FOR OFFICES OF CONSUMER SERVICES

Proposed Rulemaking and Public Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearings.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) proposes to amend the regulations which established a program of grants for offices of consumer services as authorized by section 205 of the Energy Conservation and Production Act. These regulations were established by the Federal Energy Administration (FEA), a predecessor agency of DOE, to provide for a discretionary program of grants to States for the establishment and operation of State offices of consumer services to assist the representation of consumer interests in electric proceedings of utility regulatory commissions. Any State, the District of Columbia, any territory or possession of the United States, and the Tennessee Valley Authority are eligible to apply for a grant under this program. DOE is now proposing revisions to these regulations in response to experience gained while operating the program and to bring the program under the current financial assistance procedures of DOE. Grants will be awarded annually on a competitive basis to a limited number of States. Written comments will be received and public hearings held with respect to this proposal.

DATES: Comments by May 28, 1979, 4:30 p.m. Requests to speak by April 23, 1979, 4:30 p.m. Hearing dates: Washington, D.C. hearing: May 8, 1979, 11:00 a.m.-7:00 p.m.; Denver, Colorado hearing: May 15, 1979, 11:00 a.m.-7:00 p.m.

ADDRESSES: All comments to: Department of Energy, Docket Control Center, Docket No. ERA-R-79-13, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461. Requests to speak: Washington, D.C. hearing: Docket Control Center, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461 (Telephone: 202-254-5201); Denver, Colorado hearing: Department of Energy, Attention: Dale Eriksen, 1075 S. Yukon Street, Post Office Box 26247, Belmar Branch, Lakewood, Colorado 80202 (Telephone: 303-234-2420).

HEARING LOCATIONS: Washington, D.C. hearing: Room 2105, 2000 M Street, N.W., Washington, D.C. 20461; Denver, Colorado hearing: Room 300-A, Auraria Student Center, 9th Street between Lawrence and Larimar, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT:

Nancy E. Tate, Office of Utility Systems, Economic Regulatory Administration, U.S. Department of Energy, 2000 M Street, N.W. (526 Vanguard), Washington, D.C. 20461, Telephone: (202) 254-9755.

Joshua Smith, Office of the Assistant General Counsel for Conservation and Solar Applications, U.S. Department of Energy, 20 Massachusetts Avenue, N.W., Room 3228, Washington, D.C. 20545, Telephone: (202) 376-4011.

Robert C. Gillette, Hearing Procedures, U.S. Department of Energy, 2000 M Street, N.W., Room 2214, Washington, D.C. 20461, Telephone: (202) 254-5201.

William L. Webb, Office of Public Information, Economic Regulatory Administration, U.S. Department of Energy, 2000 M Street, N.W., Room B-110, Washington, D.C. 20461, Telephone: (202) 634-2170.

SUPPLEMENTARY INFORMATION:

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I. Background

Regulations establishing a grants program for offices of consumer services were issued by the FEA as 10 CFR Part 460 on June 30, 1977 (42 FR 35163, July 8, 1977), and amended on August 10, 1977 (42 FR 41270, August 16, 1977). An advance notice of a program rule had been issued on May 13, 1977 (42 FR 24768, May 16, 1977) and comments solicited from interested parties. FEA received and considered 39 substantive comments, most of which endorsed the basic concepts and goals of the program.

The regulations established a program of discretionary grants to States, pursuant to section 205 (42 U.S.C. 6805) of the Energy Conservation and Production Act (ECPA), Pub. L. 94-385, 90 Stat. 1125 *et seq.* (42 U.S.C. 6801 *et seq.*). The purpose of this program is to provide financial assistance to establish or operate a State office of consumer services (Office) to support consumer representation in proceedings involving electric regulatory matters before a utility regulatory commission (commission).

A total of 41 grant applications were received and reviewed by FEA in accordance with the evaluation criteria specified in the regulations. FEA awarded grants to the 12 highest ranking applicants. Grantees established and began operation of Offices which met the program requirements of the regulations. DOE, to which responsibility for the program was transferred under the DOE Organization Act, Pub. L. 95-91, did not prescribe or endorse policy positions taken by Offices in proceedings. Instead, DOE approved a set of general operating procedures for each grantee, as required by the regulations, and monitored each Office's performance against the regulations' requirements, the procedures, and the statement of work contained in its grant application. DOE received a $2 million appropriation for this program in Fiscal Year 1978. With this level of available program funding and the pending passage of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117, DOE asked each grantee to submit an application for second year funding. These applications were reviewed and funded by DOE in September 1978.

Section 142 of PURPA amended Title II of ECPA by adding a section 208 which authorized to be appropriated amounts not to exceed $10,000,000 for each of fiscal years 1979 and 1980, to carry out section 205 of ECPA.

DOE proposes to amend the regulations for this program in order to improve the program based on experience gained in its operation as well as to conform the program to the current financial assistance procedures of DOE. A description of the major elements of the program and major proposed amendments to it is set forth in II below. A more complete discussion of the proposed changes is contained in III.

II. The Program

The program is a discretionary grants program of annual awards to States selected on a competitive basis

to establish and operate State offices of consumer services. Its major elements, as proposed to be amended, are as follows.

A. AWARD OF FUNDS

Section 460.15 of the regulations prescribes the criteria used by DOE to evaluate an application submitted by a State. In general, the criteria used are: the quality and feasibility of a State's proposed Office and a State's need for an Office. The regulations establish a rating system with a total of 100 points under which a State application could receive up to 50 points for quality and feasibility and up to 50 points for need. The proposed amendments to the regulations do not change the weighting of these two factors, but alter the criteria used to evaluate need for an office operated with Federal financial assistance.

The ceiling on the amount of funds which may be requested from DOE during any one fiscal year remains at $200,000.

B. STATUTORY REQUIREMENTS

Pursuant to section 205 of ECPA, § 460.12(a) of the regulations requires that an Office be empowered and have the authority under local law to carry out three enumerated functions and to be operated independently of a commission.

Section 460.12(c) requires an Office to undertake activities either to assist consumer groups or to advocate on its own behalf a position it determines represents positions most advantageous to consumers. While an Office is required to assist electric consumers in proceedings, ECPA does not prescribe or restrict the classes of consumers which an Office must assist. Section 460.12 allows the Office to take into account the needs of all classes of consumers, not just residential consumers.

In its application, as prescribed by § 460.11(b)(2), a State must provide a legal opinion describing the manner in which it meets, or will in a timely manner satisfy, the statutory program requirements. The current regulations state that prior to the expenditure of funds and no later than 6 months from the date of grant award, an Office must be empowered and authorized under local law to perform the functions set forth under § 460.12(a)(2). DOE proposes to shorten this time period to 4 months since experience under the program indicates that 4 months is adequate to meet this requirement.

C. ELIGIBLE CONSUMER GROUPS

No amendments are proposed for those sections of the regulations dealing with eligible consumer groups. The existing regulations are based upon the assumption that if an Office should decide to offer assistance to consumer groups, as defined in § 460.3 of the regulations, it should have considerable flexibility in determining which consumer groups are most in need of such assistance. Accordingly, the regulations do not restrict eligibility to a specific consumer class or group.

Section 460.14 of the regulations uses a "fairness test" to determine consumer group eligibility for assistance. This test requires that a consumer group represent a consumer interest, the representation of which would substantially contribute to a full and fair determination of the issues to be considered in the proceeding. DOE continues to believe that the fairness test is likely to result in a broad spectrum of views being incorporated in a commission's decisionmaking process, and thus increases the likelihood that consumer participation will provide a commission with access to the information it needs to identify and evaluate accurately and impartially the costs and benefits that alternative resolutions of a given issue entail.

In addition, § 460.14 provides that a consumer group must show that it does not have reasonably available, and cannot reasonably obtain, sufficient resources to participate effectively in a proceeding. Thus, if a consumer group could raise funds to participate in a proceeding only by drastically reducing its staff or their salaries, and the Office concludes that such a solution is unreasonable, funding can be provided under § 460.14. The "reasonably obtainable" test is designed to prevent an Office from concluding, for example, that a group of consumers who own or have equity in their homes are ineligible for assistance on the theory that the consumers could obtain the necessary resources to fund their participation by selling or taking out additional mortgages on their houses.

The regulation in § 460.14(b)(2) establishes an alternative test of need employing a class action standard. Under this class action test, a consumer group may be eligible for funding if and Office finds, on the one hand, that the economic interest of both the consumer group and any consumer is small in relation to the costs of effective participation in a proceeding; and, on the other hand, that the costs of the consumer group's effective participation are small in relation to the social, economic or environmental consequences for consumers of the outcome of the proceeding. In this situation, the interest, though substantial, will remain unrepresented because no individual or group has a sufficiently strong financial incentive to intervene.

The class action test does not take financial need into consideration. A consumer group may qualify for financial or technical assistance irrespective of the extent of its financial resources. Where the cumulative consequences of the outcome for consumers are exceptionally important, the consumer interest should be protected regardless of ability to pay.

D. ALLOWABLE EXPENDITURES

Expenses incurred by an Office and its subgrantees in participating in Federal utility regulatory proceedings are allowable program expenditures.

The existing regulations also specify and limit the other expenditures that an Office may incur with program funds. An additional limitation is proposed in § 460.13(a)(6) to limit the aggregate expenditures subject to newly numbered § 460.13(a)(4) and § 460.13(a)(5).

E. MINIMUM PROGRAM REQUIREMENTS

The existing regulations establish minimum program requirements in § 460.12(a) which call for compliance with the statutory requirements of the Act. Section 460.12(b) prescribes minimum program requirements concerning the development and publication of procedures. To comply with these requirements an Office must plan its program for assisting consumers by developing procedures that are essential to its effective operation. The existing regulations require an Office to establish and publish these procedures within either 6 months of the award date of the grant, or 3 months from the date on which the requirements of § 460.12(a) are met, whichever occurs later. DOE proposes to curtail the 6 month time period to 4 months in order to allow the Office to provide assistance to consumers within a shorter time. Those procedures relating to providing assistance to eligible consumer groups should reflect a grantee's awareness and understanding of other sources of funding available to consumer groups in the State.

An Office must develop all of the enumerated procedures, regardless of whether they pertain to a function proposed for an Office in its application, because DOE believes that in the long run, an Office should have the capability to carry out all three functions. To be viable, an Office needs to be able to perform analyses, intervene in proceedings on its own behalf and assist eligible consumer groups. Only in this way will an Office be able to discharge fully its obligation to act effectively on behalf of consumers.

F. APPLICATIONS

Application procedures are set forth in § 460.11 to which certain amendments are proposed. To be eligible for a grant, a State must submit an application to DOE no later than the

August 15th preceding the fiscal year for which financial assistance is sought, or such other date as DOE may establish by a notice published in the FEDERAL REGISTER. Since DOE will accept only one application per State, a State must designate the department or agency which shall apply to DOE for a grant.

The regulations require an application to include information on how the State proposes to establish, where none currently exists, and operate an Office. The application must include a description of the goals and objectives of the proposed Office; a discussion of how it proposes to meet the minimum program requirements; a description of the functions the Office will perform, and the activities by which they will be performed; a program budget and a description of the Office's proposed organizational structure and staffing; and a statement of task sequence and a timetable. The application also shall include an assurance that Federal funds requested under this Part will not be used to supplant State funds appropriated to perform functions to be conducted for this program.

A State must also provide information concerning any State department or agency which represents consumers with respect to commission proceedings.

In addition, the application shall contain information concerning a State's need for an Office, which shall be evaluated by DOE as described in § 460.15(c). The requirements for the information to be supplied for this purpose are proposed to be amended as noted in III below.

G. SELECTION OF GRANTEES

Grantees will be selected on the basis of DOE's evaluation of their applications through the use of the rating system set forth in § 460.15. An application may receive up to 50 points for the feasibility and quality of the proposed Office, taking into account the overall planning of the proposal and the feasibility of implementation. An application may receive up to 50 points for a State's demonstration of its need for an Office. Of this, up to 25 points will be awarded on the basis of the magnitude of need demonstrated with respect to the information provided in response to § 460.11(b)(11). The existing regulations provide for the remaining 25 points to be awarded on the basis of DOE's analysis of the following three factors: first, the average revenue per kWh calculated for all electric utilities in the State, as an indication of where the costs to consumers for a kWh of electricity are already high or likely to increase sharply; second, the percentage of per capita income of a State's residential consumers which is spent for electricity for residential use, as an indication of the impact of an average electric bill on a typical family; and third, the extent to which a State uses natural gas to generate electricity, as an indication of where consumers are likely to experience sharp increases in the price of electricity. DOE proposes to amend § 460.15(c)(2) to delete the natural gas factor. DOE will obtain the necessary data on and will perform the analyses of the two factors.

H. TERMINATION OF GRANTS

Existing § 460.19 provides for suspension and termination of grants upon written notice to a grantee in the event DOE determines there has been a substantial failure to comply with the requirements of this regulation. It is proposed that this section be amended to bring it into conformity with the DOE Assistance Regulations (10 CFR Part 600) and to make it clear that grants may be terminated for convenience by mutual agreement. It is proposed that this section be renumbered as § 460.16.

III. PROPOSED AMENDMENTS

As the preceding discussion has indicated, DOE does not propose to make substantial revisions to the basic elements of the program. DOE is satisfied that the program has operated in a sucessful manner. A detailed discussion of the proposed amendments and their basis follows. For the public's convenience, DOE is publishing the entire rule and not just the proposed changes.

1. It is proposed that Part 460 be amended to replace the terms "Federal Energy Administration," "FEA" and "Administrator," wherever they appear in the part, with the terms "Department of Energy," "DOE" and "Secretary," respectively. Definitions of the terms "Administrator" and "FEA" are proposed to be deleted from § 460.3 and definitions of the terms "DOE" and "Secretary" are proposed to replace them. These nomenclature changes do not affect the substance of the regulations but reflect the transfer of FEA responsibilities, including this program, to DOE pursuant to the DOE Organizaton Act.

2. DOE proposes to amend § 460.1 to clarify that financial assistance is to be used to establish or operate an Office which assists the representation of consumer interests in a proceeding before a utility regulatory commission. When read in conjunction with the revised definition of "proceeding," the proposed language better defines the general purpose for which Federal assistance may be provided under the program.

The last sentence of § 460.1 is proposed to be revised to make clear that grants will be awarded annually on a competitive basis. States which receive a grant in one year will be required, if they wish to be considered for a later award, to reapply and compete with other applicants for grants in subsequent years. The regulations provide for an ongoing program of annual grants, subject, of course, to the continued authorizaton and appropriation of funds for the program.

3. DOE proposes to retitle § 460.2 as "General Requirements," and to set forth in that section the documents (updated and renumbered) which govern the award and administration of grants under the program, except where the program regulations otherwise provide. The reference to Federal Procurement Regulation 1-15.7 would be deleted because the cost principles set forth therein are also contained in Federal Management Circular 74-4. Federal Management Circulars 73-2 and 74-7 have been superseded by Office of Management and Budget (OMB) Circulars A-73 and A-102, respectively. Most importantly, this section would reference the DOE Assistance Regulations (10 CFR Part 600) which were issued on March 1, 1979 (44 FR 12920, March 8, 1979).

4. In addition to the proposed changes to § 460.3 Definitions already described, DOE proposes to add the phrase "as amended" to update the definition of the term "Act," and revise the definition of "Proceeding" to clarify that a utility regulatory commission proceeding must involve consideration of electric rates or other proposed electric regulatory actions involving an electric utility. Definitions of "Technical assistance" and "Fiscal year" would also be added to this section. "Technical assistance" was discussed in the preamble to the original regulations but was not defined. The proposed definition conforms to that discussion and allows an Office to provide to an eligible consumer group a wide variety of services which may be necessary to make a presentation in a proceeding before a utility regulatory commission. The term "Fiscal year" is defined because certain information required in a State's application must be listed on a fiscal year basis.

5. It is proposed that § 460.11)(a) be amended to require that an application for a grant must be on a form provided by DOE and be received on or before 5:30 p.m. e.d.t. on the August 15th preceding the fiscal year for which financial assistance is sought. The proposed revision also allows DOE to revise the due date for applications by publishing a notice of revised date in the FEDERAL REGISTER. DOE is developing application forms utilizing standard form 424 found in OMB Circular A-102, Attachment M.

DOE would annually provide application forms and a copy of Part 460 to the Governor of every State and invite him or her to submit an application, and would revise § 460.11(b)(7) to make it clear that the $200,000 application ceiling applies to a fiscal year. These proposed changed and a proposed addition to § 460.11(b)(10) more firmly establish the annual operation of the applications process.

6. It is proposed that § 460.11(b)(4) be revised to clarify the requirements that the applicant assure DOE that funds received under this program will not supplant funds from other sources.

7. It is proposed that § 460.11(b)(5) be amended to require a description of the specific activities thorough which the Office will implement the functions it proposes to carry out. DOE is proposing this change to allow the applicant to provide a through description of the work it proposes to perform and thereby offer DOE evidence that its Office is well planned and conceived.

8. DOE is proposing to amend § 460.11(b)(11) to revise the information an applicant must submit describing its need for an Office operated with Federal financial assistance. This is because the needs of consumer interest offices already operated with State, Federal, or other funding are different from the needs of those applicants requesting financial assistance from DOE which do not currently receive financial assistance to represent consumers in proceedings. Accordingly, § 460.11(b)(11) recognizes this distinction and allows the applicant to describe the unique situation in the State which justifies its need for an Office operated with Federal financial assistance.

9. It is proposed that the time period which a grantee is given to establish or have in existence an Office meeting the criteria set forth in § 460.12(a) be reduced from 6 months to 4 months. Experience under the program to date has shown that Offices were establishing in far less time than 6 months. DOE desires to encourage the prompt establishment of Offices by successful applicants.

Similary, it is proposed that § 460.12(b) be amended to shorten the time period allowed for an Office to establish the procedures required by § 460.12(b) from 6 months to 4 months. DOE wishes to encourage timely representation of consumer interests. Experience gained under the program leads DOE to believe that 4 months is a sufficient period of time for procedures to be developed. If it is not possible for a State to meet these time limits, § 460.12(c) allows DOE, upon a showing of good cause, to extend the time limits.

10. DOE is proposing to amend § 460.13 by adding a new aggregate limit on the amount of a grant award that may be expended for payments to consultants and subgrantees. This proposed change would retain the 45 percent ceilings on expenditures for consultants and for subgrantees established by § 460.13(a)(4) and § 460.13(a)(5), but a new § 460.13(a)(6) would limit the aggregate amount of those expenditures to 60 percent of a grant award and would require the renumbering of subparagraphs after (2). DOE continues to recognize the need for expenditures for subgrantees and for consultants, but the 60 percent ceiling on aggregate expenditures is intended to balance this need against the objectives of promoting an Office's long term viability by requiring it to develop in-house expertise.

11. It is proposed to amend the selection procedures established by § 460.15 by clarifying subparagraph (c)(2) and by deleting factor (iii) of that subparagraph. That factor makes the extent to which a State uses natural gas to generate electricity one of the factors evaluated in determining need for an Office. DOE has determined that this factor is no longer of such significance that it merits special consideration. DOE believes that the remaining two factors, the average revenue per kWh calculated for all electric utilities in the State, and the percentage of per capita income of residential consumers within a State which is spent for electricity for residential use, provide sufficient information about the current and anticipated electricity prices and supply characteristics in each State.

12. It is proposed that existing § 460.16 Oversight Responsibility, § 460.17 Recordkeeping, and § 460.18 Reporting Requirements, be deleted from the regulations. These sections establish administrative requirements which are duplicative of the requirements established by OMB Circular A-102 and the DOE Assistance Regulations, and made applicable to this program under § 460.2. Current § 460.19, entitled Grant Termination, is renumbered as § 460.16, and a new paragraph (a) would be added to it to allow for the termination of grants for convenience by mutual agreement. Other paragraphs in that section would be relettered. In addition, paragraph (b) would be revised slightly to indicate that termination procedures discussed in that section would be in conformity with § 600.114 of Subpart B of the DOE Assistance Regulations.

IV. Relationship of the Program to Section 122 of PURPA

The intervenor funding provisions of section 122 of PURPA do not supersede the Grants for Offices of Consumer Services Program. Section 122 established certain criteria and conditions under which consumers may receive compensation for their involvement in PURPA related proceedings from certain non-DOE sources. The Grants for Offices of Consumer Services Program, whose authorization was extended for 2 years by section 142 of PURPA, provides for financial assistance for the establishment or operation of Offices under section 205 of ECPA. The Offices can provide assistance to consumer groups and/or intervene in electric proceedings which may or may not be related to PURPA.

PURPA-related proceedings would consider the extent to which certain regulatory policies would tend to encourage: (1) Conservation of energy supplied by electric utilities, (2) the optimization of the efficiency of use of facilities and resources by electric utilities, and (3) equitable rates to electric consumers. Of particular interest to DOE is the efficient use by utilities of imported energy resources, such as oil.

V. Specific Requests for Comments

Public attention and comments on this regulation should be focused on the following topics:

(1) The proposed amendments to the existing regulations discussed in section III of this preamble.

(2) Those aspects of the existing regulations described below:

(a) The feasibility and need criteria for evaluating a State's application;

(b) The standards for determining those consumer groups which are eligible for financial or technical assistance in the presentation of their positions before utility regulatory commission;

(c) The appropriateness of the $200,000 ceiling placed on the amount of funds which may be requested from DOE;

(d) Whether an Office should be alowed the option of either assisting consumer groups or advocating on its own behalf or whether § 460.12(c) should be amended to make both functions mandatory.

VI. Written Comment and Public Hearing Procedures

A. Written Comments

You are invited to participate in this proceeding by submitting to DOE's Economic Regulatory Administration, information, views, or arguments with respect to the matters set forth in this proposed rule. Comments should be submitted by 4:30 p.m., May 28, 1979, to the address indicated in the "ADDRESSES" section of this proposed rulemaking, and should be identified on the outside envelope and on the document with the docket number and the designation; "Grants for Offices of Consumer Service Programs, Docket

No. ERA-*R-79-13.*" Ten copies should be submitted. all comments received will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, and the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Any information or data submitted which you consider to be confidential must be so identified and submitted in writing, one copy only. We reserve the right to determine the confidential status of such information or data and to treat it according to our determination.

B. PUBLIC HEARINGS

The times and places for the hearings are indicated in the "DATES", and "ADDRESSES" section of this preamble.

1. *Procedures for Request to Make Oral Presentation.* If you have any interest in the matters discussed in this proposed rulemaking, or represent a group or class of persons that has an interest, you may make a written request for an opportunity to make an oral presentation by 4:30 p.m. April 23, 1979. You should also provide a telephone number where you may be contacted through the day before the hearing.

If you are selected to be heard, you will be so notified before 4:30 p.m. April 27, 1979. For distribution at the Washington, D.C. hearing, you should submit 100 copies of your hearing testimony by May 7, 1979 to Public Hearing Management, Department of Energy, Room 2214, 2000 M Street, N.W., Washington, D.C. 20461. One hundred (100) distribution copies of written testimony should be submitted for the Denver hearing at the given location on the day of the hearing.

2. *Conduct of the Hearing.* We reserve the right to schedule participants' presentations and to establish the procedures governing the conduct of the hearing. We may limit the length of each presentation, based on the number of persons requesting to be heard. We encourage groups that have similar interests to choose one appropriate spokesperson qualified to represent the views of the groups.

An ERA official will be designated to preside at the hearing. This will not be a judicial-type hearing. Questions may be asked only by those conducting the hearing. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

If you wish to have a question asked at a hearing, you may submit the question, in writing, to the presiding officer. The ERA, or, if the question, is submitted at a hearing, the presiding officer will determine whether the question is relevant, and whether the time limitations permit it to be presented for an answer. The question will be asked of the witness by the presiding officer.

Any further procedural rules needed for the proper conduct of a hearing will be announced by the presiding officer.

Transcripts of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by the ERA and made available for inspection at the DOE Freedom of Information Office, Room GA-152, James Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, and the ERA Office of Public Information, Room B-110, 2000 M Street, NW., Washington, D.C. 20461, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday. You may purchase a copy of the transcript of the hearing from the reporter.

C. OTHER RELEVANT HEARINGS

In addition to holding hearings on the Grants for Offices of Consumer Services Program, DOE will be holding public hearings on two other PURPA-related regulations on two consecutive days. Public hearings on the proposed rule on the PURPA Financal Assistance Programs will be held in Washington, D.C. on May 9, 1979, 9:30 a.m. and in Denver, Colorado on May 16, 1979, 9:30 a.m. Public hearings on the proposed Rule on Annual Reports From States and Nonregulated utilities on Progress in Considering and Implementing Ratemaking Standards under PURPA will be held in Washington, D.C. on may 10, 1979, 9:30 a.m. and in Denver, Colorado on May 17, 1979, at 9:30 a.m.

VII. OTHER MATTERS

A. ENVIRONMENTAL IMPACT

DOE has determined that this action does not constitute a major Federal action which may have a significant impact on the quality of the human environment and, therefore, will not require preparation of an Environmental Assessment or Environmental Impact Statement under the National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.

DOE's involvement is confined to funding State offices to assist consumers in electric proceedings of utility regulatory commissions. DOE will not restrict nor can it anticipate the positions that may be advocated by an office or subgrantee.

As required by section 7(a)(1)(15 U.S.C. 776) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, as amended, a copy of this notice was submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments.

B. REGULATORY REVIEW

DOE has determined that this proposed rulemaking is significant as that term is used in Executive Order 12044 and amplified in the DOE procedures for developing DOE regulations. This is considered a significant proposal because it provides for institutionalized access for consumers in proceedings and will: (1) Enhance the ability of consumers to have adequate energy supplies at reasonable prices; (2) enhance the likelihood that objectives of national energy policy will be met; and (3) has the continued interest of Congress and the public.

DOE has further determined that the proposed rulemaking is not likely to have a major impact as defined by Executive Order 12044 and as amplified in the DOE procedures for developing regulation because it is not likely to impose a gross economic annual cost of $100 million or more; is not likely to impose a major increase in costs or prices for individual industries, levels of government, geographic regions, or demographic groups; is not likely to have a substantial effect on any of the objectives of national energy policy or energy statutes; is not likely to have an adverse impact on competition; and has not been considered by the Secretary, Deputy Secretary or Under Secretary likely to have a major impact for any other reason. Accordingly, no regulatory analysis will be performed.

C. URBAN IMPACT ANALYSIS

This proposed rulemaking has been reviewed in accordance with OMB Circular A-116 to assess the impact on urban centers and communities. In accordance with DOE's finding that the proposed regulations are not likely to have a major impact, DOE has determined that no community and urban impact analysis of this proposed rulemaking is necessary, pursuant to section 3(a) of Circular A-116.

D. NONDISCRIMINATION

In addition to current Federal nondiscrimination regulations applicable to this regulation, DOE has published a proposed rulemaking in the FEDERAL REGISTER entitled "Nondiscrimination in Federally Assisted Programs" (43 FR 53658, November 16, 1978). All ap-

plicable grantees will be responsible for compliance with the provisions of that regulation when it is made effective upon its final publication.

(Energy Conservation and Production Act, Pub. L. 94-385, as amended by the Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617; Department of Energy Organization Act, Pub. L. 95-91.)

In consideration of the foregoing, Part 460 of Chapter II, Title 10 of Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington. D.C., March 21, 1979.

DAVID J. BARDIN
Administrator, Economic Regulatory Administration.

Chapter II of Title 10, Code of Federal Regulations, Part 460 is revised to read as follows:

PART 460—GRANTS FOR OFFICES OF CONSUMER SERVICES

Sec.
460.1 Purpose and scope.
460.2 General requirements.
460.3 Definitions.
460.10 Grant awards.
460.11 Applications.
460.12 Minimum program requirements.
460.13 Allowable expenditures.
460.14 Eligible consumer groups.
460.15 Selection of grantees.
460.16 Grant termination.

AUTHORITY: Energy Conservation and Production Act, Pub. L. 94-385, as amended by the Public Utility Regulatory Policies Act, Pub. L. 95-617; Department of Energy Organization Act, Pub. L. 95-91.

§ 460.1 Purpose and scope.

This part contains the regulations adopted by the Department of Energy to conduct a discretionary grant program to provide Federal financial assistance to a State. This financial assistance shall be used to establish or operate a State office of consumer services which shall assist the representation of consumer interests in proceedings before a utility regulatory comission pursuant to section 205, 42 U.S.C. 6805, of the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq., as amended. Grants will be awarded annually on a competitive basis to a limited number of States.

§ 460.2 General requirements.

Except where this part provides other wise, the award and administration of grants under this part will be governed by the following:

(a) Office of Management and Budget Circular A-73, entitled "Audit of Federal Operations and Programs;"

(b) Federal Management Circular 74-4, entitled "Cost Principles Applicable to Grants and Contracts with State and Local Governments;"

(c) Office of Management and Budget Circular A-89, entitled "Catalog of Federal Domestic Assistance;"

(d) Office of Management and Budget Circular A-95, entitled "Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects;"

(e) Office of Management and Budget Circular A-97, entitled "Rules and Regulations Permitting Federal Agencies to Provide Specialized or Technical Services to State and Local Units of Government under Title III of the Intergovernmental Coordination Act of 1968;"

(f) Office of Management and Budget Circular A-102, entitled "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments;"

(g) Office of Management and Budget Circular A-110, entitled "Grants and Agreements with Institutions of Higher Education, Hospitals and Other Nonprofit Organizations;"

(h) Treasury Circular 1082, entitled "Notification to States of Grant-in-Aid Information;"

(i) Treasury Circular 1075, entitled "Regulations Governing Withdrawal of Cash from the Treasury for Advances under Federal Grant and Other Programs;"

(j) DOE Assistance Regulations (10 CFR Part 600); and

(k) Such procedures applicable to this part as DOE may from time to time prescribe for the award or administration of grants.

§ 460.3 Definitions.

As used in this part—

"Act" means the Energy Conservation and Production Act, Pub. L. 94-385, 90 Stat. 1125 et seq. (42 U.S.C. 6801 et seq.), as amended.

"Commission" means a utility regulatory commission.

"Consultant" means a person who contracts to provide personal services for an Office and includes an attorney, accountant, economist, or other expert witness.

"Consumer" means a person who buys electricity for purposes other than resale.

"Consumer group" means an association or organization consisting of not less than three individuals that represents a consumer interest, and may include a corporation, nonprofit corporation, unincorporated association, unit of general purpose local government, tribal organization, law firm, committee, or association of concerned consumers.

"Consumer interest" means a potential benefit or detriment to a consumer from the social, economic or environmental consequences of the outcome of a proceeding.

"Consumer-interest office" means a department, agency, or office of a State which engages in activities on behalf of a consumer interest.

"DOE" means the Department of Energy.

"Electric utility" means a person, State agency or Federal agency which sells electric energy for purposes other than resale.

"Federal agency" means an agency or instrumentality of the United States.

"Fiscal year" means the 12 month period beginning October 1.

"Fuel adjustment clause" means a clause in a rate schedule that provides for an adjustment of the consumer's bill if the cost of the fuel used for electrical generation varies from a specified unit of cost.

"Governor" means the chief executive officer of a State or territory, the Mayor of the District of Columbia, or the Chairman of the Tennessee Valley Authority.

"Grantee" means the State or other entity named in the notification of grant award as the recipient.

"Kilowatt-hour" means a unit of measuring electricity usage which represents a unit of work or energy equal to that expended by one kilowatt in one hour.

"kWh" means a kilowatt-hour.

"Local law" means the laws in force and effect in a State and includes the statutes, rules and regulations, judicial decisions, administrative findings and determinations and executive orders and proclamations as enforced by the State and its judicial system.

"Office" means an Office of Consumer Services.

"Person" means an individual, partnership, corporation, unincorporated association or any other group, entity or organization.

"Proceeding" means a proceeding before a utility regulatory commission involving consideration of electric rates or other proposed electric regulatory actions involving an electric utility.

"Secretary" means the Secretary of the Department of Energy.

"State" means a State, the District of Columbia, American Samoa, Guam, Puerto Rico, the Virgin Islands, the Trust Territory of the Pacific Islands and the Tennessee Valley Authority.

"Subgrantee" means the eligible consumer group named as the recipient in a grant which shall be made by an Office.

"Technical assistance" means providing data, technical analyses, or other information necessary to make a presentation in a proceeding and may include preparing testimony, providing legal assistance, and providing expert testimony.

"Tribal organization" means the recognized governing body of an Indian Tribe, or any legally established organization of Native Americans which is controlled, sanctioned or chartered by such governing body.

"TVA" means Tennessee Valley Authority.

"Unit of general purpose local government" means any city, county, town, parish, village or other general purpose political subdivision of a State.

"Utility regulatory commission" means TVA or a regulatory authority empowered by Federal or local law to fix, modify, approve, or disapprove rates for the sale of electric energy by an electric utility other than itself.

§ 460.10 Grant awards.

(a) DOE shall provide financial assistance to a State from sums appropriated for any fiscal year, only upon annual application.

(b) Grants shall be awarded to States, selected at the discretion of DOE on the basis of the evaluation made in accordance with § 460.15, for the establishment or operation of an Office.

§ 460.11 Applications.

(a) To be eligible to receive a grant under this part a State shall submit an application in conformity with paragraph (b) of this section, on a form to be provided by DOE, which shall be received by DOE on or before 5:30 p.m. e.d.t. on the August 15th preceding the fiscal year for which financial assistance is sought, or such other date as DOE may establish by notice published in the FEDERAL REGISTER. DOE shall annually send a copy of this regulation and an application form to the Governor of every State and invite him or her to submit an application.

(b) Each application shall include:

(1) An overview statement of the specific goals and objectives of the proposed Office and an explanation of how they relate to the goals and objectives of an existing State Consumer-Interest Office and any commission before which the Office intends to assist the representation of consumer interests;

(2) A legal opinion setting forth the manner in which the State has complied, or will, in a timely manner, comply with the requirements of § 460.12(a);

(3) Where applicable, an explanation of the authority, functions, organization, activities, budget and financial resources of a Consumer-Interest Office operating within the State;

(4) An assurance that Federal funds requested under this part will not be used to supplant State or other funds appropriated to perform the functions proposed to be conducted in this application;

(5) A statement of which of the functions set forth in § 460.12(a)(2) are proposed to be carried out by the Office with financial assistance under this part, the reasons for choosing to perform those functions and a description of the specific activities through which these functions will be carried out;

(6) A detailed description of how the Office will meet the minimum program requirements prescribed by § 460.12(b) and a timetable for satisfying these requirements;

(7) The amount of Federal financial assistance being applied for under this part, which shall not exceed $200,000 for any fiscal year, and a budget including identification and a description of resources or financial assistance which shall be provided to an Office from sources other than the financial assistance provided under this part;

(8) A description of the organizational structure of the Office including the extent of coordination proposed between the Office and other parts of the State government representing consumers or regulating electric utilities;

(9) A description of the responsibilities and the experience and qualifications, if know, of key personnel and consultants proposed to be used by the Office;

(10) A statement of the task sequence and a timetable for establishing the Office, where applicable, and for implementing the activities for a 12 month period, by calendar quarter, beginning October 1, of the fiscal year for which financial assistance is sought;

(11) A detailed description of the State's need for an Office operated with Federal financial assistance which shall identify the conditions and circumstances existing within the State that give rise to that need, including the following:

(i) If the office for which the State is submitting the application currently receives State, Federal, or other financial assistance (such as assessments from utilities) to represent consumers in proceedings, the description shall include—

(A) This office's accomplishments to date with respect to electric utility regulatory matters including—

(*1*) Studies conducted by this office which were directly related to its involvement in a proceeding;

(*2*) Proceedings in which this office was involved, issues discussed, commission decisions rendered, and known impact, if any, of this involvement on the outcome of the proceeding; and

(*3*) Assistance provided by this office to consumer groups on electric utility regulatory matters.

(B) The degree to which financial assistance obtained from sources other than under this part is inadequate to perform the activities for which DOE financial assistance under this part is requested. This description shall include a discussion of the prospects for increases or decreases in the existing State, Federal, or other financial assistance.

(ii) If the office for which the State is submitting the application does not currently receive State, Federal, or other financial assistance (such as assessments from utilities) to represent consumers in proceedings, this description shall include—

(A) This office's and the State's past attempts to obtain funding from State, Federal or other sources to represent consumer interests and the reasons that these attempts were unsuccessful;

(B) The magnitude of the electric utility regulatory matters in the State requiring consumer representation in proceedings including—

(*1*) Recent increases in average electric bills of different types of consumers;

(*2*) The commission's positions on rate reform initiatives; and

(*3*) The type, quality and amount of participation by consumer groups in proceedings within the State and the responsiveness of the commission to these consumer interventions.

(C) The resources available to any other consumer-interest office in the State which represents consumer interests in proceedings.

(D) The potential benefits to consumers in the State if Federal financial assistance under this part is made available by DOE.

§ 460.12 Minimum program requirements.

(a) Prior to the expenditure of any grant funds and no later than 4 months from the date of a notification of grant award made under this part, a grantee shall have in existence or establish an Office which—

(1) Is a consumer-interest office;

(2) Is empowered and has authority under local law to—

(i) Make general factual assessments of the impact of proposed electric utility rate changes and other proposed regulatory actions upon consumers, including residential consumers;

(ii) Provide technical or financial assistance to an eligible consumer group meeting the requirements of § 460.14 in the presentation of its position in a proceeding; and

(iii) Advocate on its own behalf, a position which it determines represents the position most advantageous to consumers, including residential

consumers, taking into account developments in earlier utility rate design reform; and

(3) Is independent of a commission with respect to the following—

(i) The commission has no direct control over the Office's budget or its disbursement of funds;

(ii) The commission has no authority over the hiring, management, or dismissal of the personnel employed by an Office; and

(iii) Employees of the Office do not perform services for, report to, or act on behalf of, the commission.

(b) Each Office shall develop and publish within 4 months of the date of a grant award or 3 months from the date upon which the Office meets the requirements of paragraph (a) of this section, whichever shall be later, procedures to be approved by DOE, to—

(1) Determine whether a consumer group is an eligible consumer group in accordance with the requirements of this part;

(2) Provide technical assistance to an eligible consumer group, and financial assistance on a full funding or cost sharing basis to a subgrantee to make one or more presentations in a proceeding;

(3) Establish priorities for providing technical and financial assistance to eligible consumer groups taking into consideration—

(i) Consumer interests;

(ii) The consumer interest of, or represented by, an eligible consumer group;

(iii) The composition, diversity and number of members of an eligible consumer group;

(iv) The relative effectiveness of an eligible consumer group's proposed presentation, including the extent to which—

(A) The eligible consumer group is familiar with and understands the subject matter and issues involved in the proceeding;

(B) Its proposed presentation is feasible and well-conceived; and

(C) The eligible consumer group can effectively represent a consumer interest in a proceeding;

(v) The uniqueness or novelty of an eligible consumer group's position or point of view; and

(vi) Where financial assistance is to be provided, the experience and expertise of a consultant which an eligible consumer group intends to engage;

(4) Advocate on its own behalf a position in a proceeding which it determines represents the position most advantageous to consumers which shall involve the performance of activities including—

(i) Consideration of views and data obtained from consumers through the use of such information gathering techniques as a public hearing, survey, or consumer advisory committee, to ensure that the Office obtains and considers the broadest possible spectrum of consumer views;

(ii) Obtaining qualified witnesses and preparing testimony and other submissions for presentation in a proceeding;

(iii) Analysis and consideration of development in innovative utility rate design reform;

(5) Making general factual assessments of the impact of proposed rate changes and other proposed regulatory actions upon consumers; and

(6) Identifying consumer groups and providing them with information concerning this program and its operation.

(c) After complying with the requirements of paragraph (b) of this section, an Office shall carry out activities for the functions prescribed in § 460.12(a)(2)(ii) or (iii). DOE may upon application by a grantee or Office and for good cause shown, extend the time limit set to meet the requirements of paragraphs (a) and (b) of this section.

§ 460.13 Allowable expenditures.

(a) Financial assistance provided under this part shall be used for the establishment or operation of an Office, and grant funds awarded in any year shall only be expended for the following—

(1) Compensation of employees of the Ofice;

(2) No more than 10 percent shall be used for administrative expenses of an Office, exclusive of compensation provided under subparagraph (1) of this paragraph;

(3) No more than 20 percent may be paid to contract for the use of computers and similar equipment for the storage and analysis of data;

(4) No more than 45 percent may be paid for the sevices of consultants: *Provided,* That no consultant shall receive in excess of 20 percent, subject to the aggregate limitation of subparagraph (6) of this paragraph;

(5) Payments to subgrantees to carry out the function described in § 460.12(a)(2)(ii) in accordance with the requirements of this part: *Provided,* That total payments to subgrantees shall not exceed 45 percent of the grant funds awarded, subject to the aggregate limitation of subparagraph (6) of this paragraph;

(6) No more than 60 percent in the aggregate may be paid for the services of consultants and to subgrantees under subparagraphs (4) and (5) of this paragraph;

(7) Payments to a consultant by an Office or subgrantee shall not exceed the prevailing market rate for the level and quality of the personal service but not to exceed $75 per hour, exclusive of reasonable costs for travel and incidental disbursements such as mailing and photocopying; and

(8) Reasonable costs of an Office or subgrantee for travel and transportation for an employee, consultant or a person performing services, such as a volunteer, provided that such costs are incurred in connection with preparing or making a presentation at a proceeding.

(b) No grant funds shall be expended until a State has established an Office which meets the requirements of § 460.12(a).

(c) For the purposes of paragraph (a)(3) of this section, a consultant shall include—

(1) Any person which employs or otherwise uses the personal services of the consultant including employment by a partnership, corporation, sole proprietorhip, or other business enterprise engaged in performing personal services;

(2) Any person in which the consultant owns 10 percent or more of the stock, including options to purchase stock, or other securities issued by a corporation, or any person engaged in performing personal services in which the consultant has a financial interest which is equal to or exceeds 10 percent;

(3) Any person, such as a parent company or affiliate, which owns 10 percent or more of the stock, including options to purchase stock, of the consultant, or other securities issued by the consultant, or owns a financial interest of any kind in the consultant which is equal to or exceeds 10 percent;

(4) Any business entity engaged in performing personal services including a corporation, partnership, consortium or other enterprise in which the consultant is an officer or director, partner or active principal; and

(5) Any business entity including a corporation, partnership, consortium or other business enterprise engaged in providing personal services in which the consultant participates in a profit-sharing program.

§ 460.14 Eligible consumer groups.

No consumer group shall receive financial or technical assistance from an Office unless—

(a) The consumer group's—

(1) Representation of a consumer interest would substantially contribute to a full and fair determination of the issues to be considered in the proceeding; and

(2) Participation in the proceeding is necessary to the effective representation of the consumer interest; and

(b) The consumer interest would not be effectively represented because—

(1) The consumer group does not have reasonably available and cannot

reasonably obtain sufficient resources to participate effectively in the proceeding; or

(2)(i) The economic gain or loss to the consumer group and any consumer with regard to the outcome of the proceeding is small relative to the costs of effective participation in the proceeding; and

(ii) The costs of effective participation are small relative to the social, economic or environmental consequences of the outcome of the proceeding.

§ 460.15 Selection of grantees.

(a) DOE shall evaluate an application submitted in accordance with § 460.11 through the use of a rating system with a total of 100 points under which up to 50 points may be scored for the quality of the proposed Office and up to 50 points may be scored for a State's need to establish and operate an Office.

(b) DOE shall evaluate the quality of a proposed Office on the basis of its conceptualization and the feasibility of its implementation taking into account—

(1) The precision with which goals and objectives for the Office are defined;

(2) Whether the activities proposed for the Office will effectively carry out the functions selected in accordance with § 640.11(b)(5);

(3) The responsibilities, experience and competence of the key personnel and consultants proposed between the Office;

(4) The organizational structure of the Office including the extent of coordination proposed between the Office and other parts of the State government representing consumers or regulating electric utilities;

(5) The feasibility of the Office's complying with the requirements of § 460.12;

(6) The task sequence for activities and the likelihood that an Office can meet the schedule of the proposed timetable as required by § 460.11(b)(10); and

(7) The adequacy of the budget required by § 460.11(b)(7) in relationship to the proposed activities.

(c) DOE shall evaluate a State's need for an Office based upon—

(1) The magnitude of need demonstrated in the description provided in response to § 460.11(b)(11), for which up to 25 points may be scored; and

(2) DOE's analysis of a State's need for an Office based on the State's ranking against the following needs factors as computed by DOE, for which up to 25 points may be scored;

(i) The average revenue per kWh calculated for all electric utilities within the State; and

(ii) The percentage of per capita income of residential consumers within the State which is spent for electricity for residential use.

§ 460.16 Grant termination.

(a) Grants may be terminated for convenience at any time by mutual agreement of both the grantee and DOE.

(b) DOE shall give notice to a grantee in the event DOE finds there is a failure by the grantee to comply substantially with the provisions of this part. Such notice shall be issued in accordance with § 600.114 of Subpart B of the DOE Assistance Regulations (10 CFR Part 600).

(c) DOE shall issue this notice in the form of a written notice mailed by registered mail, return receipt requested, to the grantee and shall include (1) a statement of the reasons for the finding referred to in paragraph (b) of this section together with an explanation of any remedial action which, if undertaken, would result in compliance; and (2) the date upon which the grant will be terminated.

(d) A grantee which receives the notice referred to in paragraph (b) of this section may file a written response containing an explanation of how it will comply with the requirements of this part, or a statement of its views and supporting data explaining why the grant should not be terminated. This response shall be made by registered mail, return receipt requested, not later than 10 days after the receipt of the notice referred to in paragraph (c) of this section.

(e) Within 20 days after the grantee's receipt of notice in accordance with the procedure set forth in paragraph (c) of this section, the Secretary, after consideration of any response filed by the grantee, shall determine whether or not to terminate the grant for failure to comply substantially with the requirements of this part and issue a written statement explaining the reasons for this determination.

(f) Upon issuance of the notice referred to in paragraph (b) of this section, DOE may suspend payments to any grantee pending a final determination. If the Secretary makes a final determination of substantial failure to comply, the grantee will be ineligible to participate in the program unless and until DOE is satisfied that the failure to comply has been corrected.

[FR Doc. 79-9256 Filed 3-26-79; 8:45 am]

federal register

TUESDAY, MARCH 27, 1979

PART V

INTERSTATE COMMERCE COMMISSION

■

ENTRY CONTROL OF BROKERS

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-96]

ENTRY CONTROL OF BROKERS

AGENCY: Interstate Commerce Commission.

ACTION: 1. Deletion of vacated rules. 2. Interim procedures for property broker applicants. 3. Policy statement regarding licensed brokers.

SUMMARY: A decision by the United States Court of Appeals for the District of Columbia Circuit in No. 77-1501, *National Tour Brokers Association* v. *U.S. and I.C.C.*, has voided the rules adopted pursuant to the Commission's decision in Ex Parte No. MC-96, *Entry Control of Brokers*, 126 M.C.C. 476 (1977). These rules eased requirements for motor carrier brokers. The Commission is reinstituting Ex Parte No. MC-96 to reexamine the issue of entry control for passenger and property brokers.[1] Consistent with the Court's decision, this notice will delete the previously adopted rules. Finally, this notice establishes interim procedures for persons wishing to apply for a property broker license under those procedures existing prior to the adoption of the special licensing rules and policies with regard to property brokers licensed under the vacated rules.

DATES: All actions announced are effective April 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr., phone: 202-275-7292 or Peter Metrinko, phone: 202-275-7885.

Deletion of Previously Adopted Rules

The Court's decision requires that we delete the adopted rules and other modifications made pursuant to the decision at 126 M.C.C. 476. Accordingly, the following modifications are made, as follows:

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

§ 1043.4 [Amended]

1. 49 CFR 1043.4 shall be amended by deleting the surety bond amount of $10,000, and replacing it with the former amount of $5,000.

PART 1045A—BROKER SPECIAL LICENSING PROCEDURE

2. 49 CFR 1045A shall be deleted in its entirety.

PART 1002—FEES

§ 1002.2 [Amended]

49 CFR 1002.2(d)(9) shall be revised to read as follows: "An application for a broker's license. 49 U.S.C. 10924 . . . $350."

PART 1003—LIST OF FORMS

§ 1003.1 [Amended]

49 CFR 1003 is amended in § 1003.1 by deleting the present language under the heading *OP-OR-11* and replacing it with:

OP-OR-11.

Applications under 49 U.S.C. 10924 for licenses to operate as brokers of motor carrier transportation.

Interim Procedures for Property Broker Applicants

Persons may no longer apply for broker licenses under the vacated rules at 49 CFR Part 1045A. All applications which were being processed at the time of the Court's decision are being returned to the applicants. Several applications had been denied pursuant to review board decisions. They were pending, applicants having sought reconsideration. None of these decisions was administratively final. They will be dismissed as moot.

Persons still desiring to apply for a property broker license can use the current Form OP-OR-11 (Revised 10/78). Applicants shall indicate in Item III(a) of the form the commodities for which they seek authority to arrange transportation.

Currently Licensed Brokers

Those property brokers which have been authorized to begin operations pursuant to the rules at 49 CFR Part 1045A will be allowed to continue operations pending resolution of this proceeding. The Commission realizes that it is possible that the operations of these brokers, in whole or in part, may be terminated if it is decided that no change in our past licensing policy is warranted. Outright termination was decided against, since immediate economic harm might result to those who have begun operations based upon this Commission's approval. Our actions here will allow the property brokers to evaluate individually their investment commitments.

We urge these licensed brokers to contribute their views on the notice of proposed rulemaking as well as the need for any change in our practice regulations at 49 CFR 1045.[2]

Copies of this notice will be served on all persons that filed applications under 49 CFR Part 1045A, and all parties of record in Ex Parte Nos. MC-96, 87 and 93.

Authority for Promulgation

The above-described actions are taken under the authority contained in 49 U.S.C. 10101, 10321, 10921, 10924, 10925, and 10927, and 5 U.S.C. 552, 553, 558 and 559.

Dated: March 14, 1979.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

H. G. Homme, Jr.,
Secretary.

[FR Doc. 79-9282 Filed 3-26-79; 8:45 am]

[1] See FR Doc. 79-9282 published in this separate part of this issue.

[2] See the notice of proposed rulemaking, FR Doc. 79-9283 also published in this separate part of the Federal Register.

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. MC-96]

ENTRY CONTROL OF BROKERS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: A decision by the United States Court of Appeals for the District of Columbia Circuit in No. 77-1501, *National Tour Brokers Association* v. *U.S. and I.C.C.*, has voided the rules adopted pursuant to the Commission's decision in Ex Parte No. MC-96, *Entry Control of Brokers*, 126 M.C.C. 476 (1977). These rules eased requirements for motor carrier brokers. The Commission is reinstituting Ex Parte No. MC-96 to reexamine the issue of entry control for passenger and property brokers.

DATES: Comments on the proposed rulemaking are due on or before April 26, 1979.

FOR FURTHER INFORMATION CONTACT:

Donald J. Shaw, Jr., Phone: 202-275-7292, or

Peter Metrinko, Phone: 202-275-7885.

SUPPLEMENTARY INFORMATION: A decision by the United States Court of Appeals for the District of Columbia Circuit has vacated the rules adopted in Ex Parte No. MC-96, *Entry Control of Brokers*, 126 M.C.C. 476 (1977). The Commission proposes to reexamine its regulation of brokers in expanded form, covering entry control as well as operational practices and regulations. Interested persons are encouraged to comment on all aspects of this rulemaking. However, if comments apply only to either passenger or property brokerage, it would be helpful if this were indicated at the beginning of the comments. Please send 15 copies of your comments.

Following is a list of subjects for which comments are solicited. Persons are free to comment on issues they believe relevant outside of those raised here. However, we ask that comments corresponding to specific questions raised in this notice be identified or numbered in a manner that will allow easier correlation on our part.

PASSENGER BROKERS—ENTRY CONTROL

I. Should the Commission's present licensing procedure for passenger brokers be changed? Options include, but are not limited to the following:

a. Adopt a format similar to that suggested in the previous report of the Commission, at 126 M.C.C. 557-559. This would involve a general prospective finding that operations by qualified applicants between all points in the United States (including Alaska and Hawaii) are consistent with the public interest and the national transportation policy; issuance of a master license; limiting the application process to examining the issue of an applicant's fitness; permitting protests only on the subject of fitness; continuation of the surety bonding requirement (at either the present $5,000 amount, or a higher amount); and, substituting a letter process for the present formal application process which uses Form OP-OR-11.

A procedure of this type would use the following application process: [1]

§ A.1 Procedures.

(a) *Scope of special rules.* These special rules govern the filing and handling of requests for authority to operate as a broker in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of passengers and property, between all points in the United States (including Alaska and Hawaii). The grants of authority are subject to the findings made in *Entry Control of Brokers*, —— M.C.C. —— (19??).

(b) *Request for authority.* Persons desiring to perform broker operations must file with this Commission, at its office in Washington, DC 20423, a sworn and notarized request (which may be in letter form) containing the following information:

(1) The name and address of the applicant's representative (which may include the applicant in a self-representing role) to whom inquiries may be made.

(2) The designation of the applicant's statutory agent for service of process for each State in which the person will have either an office or write contracts. This designation is made by completing Form BOC-3. If a broker will operate out of only one office in one State, the broker applicant may designate itself to receive service of process in that State. The original of the Form BOC-3 must accompany the application. An applicant should keep one copy for its own files.

(3) Evidence of the applicant's surety bond coverage. Applicants must submit two completed copies of Form BMC-84. Applicant or its insurance agent should request the surety company to complete the forms and return them to applicant for submittal with the application. Applicant should not let the surety company send the forms to the Commission. The company which furnishes the surety bond must be one that has been approved by the Commission. Most major companies that write surety bonds have this approval, but an applicant should check with a local Commission office or the Commission's Section of Insurance for the company's acceptability. A surety bond must be kept in force at all times or a broker's license will be revoked.

(4) Passenger broker applicants shall also file the information described below under Passenger Broker Applications. Property broker applicants shall file the information asked for under Property Broker Applications.

§ A.2 Passenger Broker Applications.

(a) Write on the face of the application (which may be in letter form), in bold letters, SPECIAL PASSENGER BROKER LICENSE PROCEDURE.

(b) Applicant shall submit a notarized (sworn) statement which contains all the evidence it plans to submit. This statement shall include:

(1) Applicant's name.

(2) The name under which it will be doing business.

(3) Present or planned locations for doing business.

(4) Names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and shareholders (up to five principal shareholders), whichever is applicable.

(5) Names and business addresses of person(s) who will *manage* daily operations of the business.

(6) Evidence of applicant's good character (such as statements from reputable members of the community and any other evidence deemed pertinent).

(7) Evidence of applicant's ability to conduct the operations in a satisfactory manner (such as past experience in the transportation or tour industries, a description of the planned operations, and any other information deemed pertinent).

(8) A statement that applicant is familiar with our regulations and willing to comply with these regulations.

(9) Evidence as to any affiliation between the applicant and any carrier subject to the Commission's regulations.

§ A.3 Property Broker Applications.

(a) Write on the face of the application (which may be in letter form), in bold letters, SPECIAL PROPERTY BROKER LICENSE PROCEDURE.

(b) Applicant shall submit a notarized (sworn) statement which contains all the evidence it plans to submit. This statement shall include:

[1] We have included property brokers in this application process. One of the entry control options for property brokers is a simplified licensing process, as explained in Item V of this notice.

(1) Applicant's name.
(2) The name under which it will be doing business.
(3) Present or planned locations for doing business.
(4) Names and business addresses for all persons who are officers and directors, partners (including limited or "silent" partners), and shareholders (up to five principal shareholders), whichever is applicable.
(5) Names and business addresses of person(s) who will *manage* daily operations of the business.
(6) Evidence of applicant's good character (such as statements from reputable members of the community, and any other evidence deemed pertinent).
(7) Evidence of applicant's ability to conduct the operations in a satisfactory manner (such as past experience in the transportation or tour industries, and any other information deemed pertinent).
(8) A statement that applicant is familiar with our regulations and willing to comply with these regulations.
(9) Evidence as to any affiliation between the applicant and any carrier subject to the Commission's regulations.
(10) Evidence as to any affiliation between applicant and any (a) shipper or (b) receiver (such as a warehouser).
(11) A complete description of the planned operations, including the services to be offered and how compensation will be collected.

§ A.4 Processing.

(a) *Incomplete applications* will be rejected and returned to applicant's representative, with a notation as to why the application was rejected. Applicant may refile a complete application at any time.

(b) *Existing brokers* need not file applications for the same type authority. Existing licenses will be interpreted to authorize operations between all points in the United States, arranging the transportation either of (1) passengers and their baggage, or (2) general commodities, whichever is applicable.

(c) *Opposition.* Once a complete and properly submitted request for authority has been filed, the Commission will publish a notice in the FEDERAL REGISTER identifying the applicant and related persons [those described in lines (4) and (5) of §§ A.2(b) or A.3(b)]. Any interested person may file a sworn statement in opposition within 30 days from the date of publication of the notice. Sworn statements in opposition shall be filed at the offices of the Commission in Washington, D.C. 20423. Opposition is limited to the issue of applicant's fitness, which includes the evidence described in §§ A.2(b) and A.3(b). If there is opposition, applicant will be notified. If no opposition is received and the Commission's examination does not reveal any fitness problems, *applicant will be informed in a letter that it may begin operations.* The Commission reserves the right to require that a broker terminate its operations if it is later discovered that the broker's operations do not qualify for the benefits of this procedure.

NOTE.—This ends the proposed rules. We request specific comments on these rules.

b. Leave the present application process, with individual filings under OP-OR-11, unchanged.

c. Use the present application process and Form OP-OR-11, but alter the present standards. Brokers have always been held to a lower standard of proof than motor carriers seeking operating authority under the public convenience and necessity standard. Presently, broker applicants are required to show that they are fit to conduct the proposed operation and that their services will contribute something of value or be of benefit to the public or carriers. Consideration of existing broker service is made to assure that there will be no creation of needless duplicative services. Should the standard instead be that an applicant will be granted in the absence of a showing by an existing broker that destructive competition would result, and absent an adverse fitness finding? What other standard would be appropriate?

II. What policy considerations and economic factors indicate that the present passenger broker licensing system should be changed, or allowed to remain the same? Comment on the following factors is requested:

A. Improved processing of applications.
B. Environmental benefits.
C. Effects of increased competition.
D. Intermodal operations.
(1) Discuss the feasibility of granting territorially unrestricted licenses.
(2) Should the Commission allow license holders the flexibility of using a bus for any portion of a tour, as long as the tour starts and ends in the prescribed origin and destination territory?
E. Consumer protection and integrity of the broker industry.
(1) Comment on the effectiveness of surety bonding as a deterrent to unscrupulous business practices.
(2) Is the present $5,000 bond high enough? What should the amount be? and why?
(3) Are general travel agents qualified to operate as brokers?
F. Any other factors deemed important.

PASSENGER BROKERS—OPERATIONS AND PRACTICES

III. In Ex Parte No. MC-93, *Passenger Broker Affiliated with Motor Carriers,* 128 M.C.C. 345 (1977), the Commission declined to adopt certain regulations which would have restricted the dual holding by the same person of a broken license and a certificate of public convenience and necessity to transport passengers. The Commission there determined that such dual holdings had not caused problems in the past. The proceeding was discontinued, but this was conditioned upon the effectiveness of the rules adopted previously in Ex Parte No. MC-96. Since that time the Commission has granted authority which would result in these dual holdings. Have any problems resulted because the same or affiliated persons held both common carrier passenger authority and passenger broker authority?

IV. In Ex Parte No. MC-87, *Interpretation of Operating Authorities,* the Commission began a rulemaking proceeding to examine the issue of whether, effectively to execute a contract for a tour, the passenger broker must sell and arrange for transportation only at the point which it is authorized to serve and whether the parties must mutually sign the contract at that point. The Commission dismissed this rulemaking proceeding in an order decided May 18, 1977. However, dismissal was conditioned upon the effectiveness of the now vacated rules in Ex Parte No. MC-96. Parties are asked to comment on this issue [also described in *Trails West, Inc.,* v. *Continental Trailways, Inc.,* 115 M.C.C. 269 (1972)]. Copies of this notice will be served on the parties in Ex Parte No. MC-87 and Ex Parte No. MC-93.

PROPERTY BROKERS—ENTRY CONTROL

V. Should the Commission's present licensing procedure for property brokers using form OP-OR-11 be changed? Options for changing either the procedures or existing standards are the same as listed under I. a, b, and c above. Many persons were licensed under the vacated procedures. Those persons are especially urged to comment upon the merits of the vacated procedures.

VI. What policy considerations require either the present licensing system for property brokers to be changed or allowed to continue under the OP-OR-11 process? Comment on the following:

A. Benefits to shippers and carriers.
B. Environmental benefits.
C. Improved application processing.
D. Effects on shippers or existing carriers.

VII. Should any change in the licensing procedure be extended to include applications for authority to

transport household goods? This type broker applications was expressly excluded from the vacated licensing process, for the reasons noted at 126 M.C.C. 514-524.

PROPERTY BROKERS—PRACTICES

VIII. Should any of the Commission's operational regulations with regard to property brokers be changed? These are listed at 49 CFR 1045. Please indicate in your comments the specific subsection being addressed.

IX. A number of currently licensed brokers of property are also freight forwarders. There are similarities between brokers and freight forwarders, although the Commission has on many occasions stated functional differences between the two. Address the issue of whether the Commission should continue to recognize the concept of these two transportation intermediaries as separate. Should the Commission only recognize one type of transportation intermediary; e.g., should we require all intermediaries to obtain permits to operate as freight forwarders, file tariffs, etc? Are there functional reasons for maintaining these two separate classifications?

X. The Commission has in the past stated its concern over affiliations between property brokers and shippers of regulated commodities. *Merriman Broker Application,* 43 M.C.C. 372 (1944). Close scrutiny has been given to broker applications by those who are able to control the traffic of large shippers because of past or present shipper connections. *Copes Broker Application,* 27 M.C.C. 153, 166 (1940). Abuses which could result have been said to include the following: (1) a shipper could set up a sham broker operation and insist that carriers solicit through the broker, the carrier being required to pay a fee for sham services to the broker, thus accomplishing an illegal rebate; (2) a shipper-affiliated broker would arranged traffic for the shipping public using carriers that provided preferential treatment to its affiliated shipper. This would contravene the duty of the broker to act in an independent manner, providing the best service possible.

Comment on the above described, or other potential, abuses, and whether the Commission should continue its past policy of denying licenses to shipper-affiliated broker applicants.

Copies of this notice will be served on all persons that filed applications under 49 CFR 1045A, and all parties of record in Ex Parte Nos. MC-96, 87 and 93.

AUTHORITY FOR PROMULGATION

The above-described actions are taken under the authority contained in 49 U.S.C. 10101, 10321, 10921, 10924, 10925, and 10927, and 5 U.S.C. 552, 553, 558 and 559.

By the Commission, Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian.

Dated: March 14, 1979.

H. G. HOMME, Jr.,
Secretary.

[FR Doc. 79-9283 Filed 3-26-79; 8:45 am]

federal register

TUESDAY, MARCH 27, 1979

PART VI

INTERSTATE COMMERCE COMMISSION

■

LEASE AND INTERCHANGE OF VEHICLES

[7035-01-M]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-43 (Sub-No. 7)]

PART 1057—LEASE AND INTERCHANGE OF VEHICLES

Lease and Interchange of Vehicles

AGENCY: Interstate Commerce Commission.

ACTION: Decision on petitions for stay of final rules.

SUMMARY: Several parties to the proceeding[1] have filed petitions seeking a stay of the effective date of the final rules adopted in this proceeding (44 Fed. Reg. 4680 (1979)). The petitions are denied to the extent and for the reasons indicated below. However, we are providing for a period of time within which interested persons may comment whether, and to what extent, the Commission's recently adopted leasing rules should apply between motor carriers and their agents as those terms are utilized in 49 CFR 1056. Pending the outcome of this proceeding, the new leasing rules will not apply to arrangements between motor carriers of household goods and their agents.

DATES: Effective date. The rules (44 Fed. Reg. 4680) as modified by this notice shall apply to leasing contracts between authorized motor carriers and owners (as defined by 49 CFR 1057.2(d)) as of the scheduled date of March 26, 1979.

Comment date. Comments are requested on or before April 26, 1979.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Richard Armstrong, 202-275-7426.

SUPPLEMENTARY INFORMATION: ATA, Inc., has petitioned for a stay in this proceeding for 90 days (from the original effective date of February 22, 1979) because of the complexity of rewriting all outstanding lease agreements and the difficulties attendant to that (drafting new leases, analyzing tax consequences, reprogramming computers, printing the leases, getting the leases signed). These contentions were disposed of in a notice of February 13, 1979, published in the FEDERAL REGISTER on February 27, 1979 (44 Fed. Reg. 11070) in response to a similar petition filed by North American Van Lines, Inc. Nothing in the ATA petition causes us to alter the notice of February 13, 1979, that only an additional 30 days should be permitted carriers to comply with the final leasing regulations (now to become effective March 26, 1979).

Global, Wheaton, and American Red Ball petition the Commission for a partial stay of the effectiveness of 49 CFR 1057.12(g) (payment period), pending judicial review, to the extent that this rule would require motor common carriers of household goods to pay their agent-lessors for the lease of equipment within the prescribed 15 day payment period. These carriers argue that there are important reasons for distinguishing between owner-operators (who the carriers claim are the intended beneficiaries of the rule) and household goods carrier agents. This is because such agents engage in a number of revenue-producing activities (local moving, warehousing, interstate and intrastate transportation under their own operating rights, as agents for freight forwarders, booking, packing and unpacking, storage, etc.) while owner-operators are singly dependent upon the transportation services provided for the carrier for their livelihood, and, therefore, are entitled to prompt payment following completion of the tranportation. Petitioners assert that there is a strong likelihood that they will prevail on the merits because the Commission issued this regulation without considering the household goods carriers' objections filed in their comments in this proceeding. Petitioners further assert that no mention was made as to the applicability of the rule to agent lessors in the notice in this proceeding.

To the extent that the Commission failed to address this issue in our decision we have been remiss. The studies performed in implementing the rules pointed out a number of problems areas between owner-operators and authorized motor carriers. The new rules were intended to remedy many of those problems. As they are written, however, the definition of owner (at 49 CFR 1057.2(d)) can be read to apply to agents of motor carriers, thereby bringing such contracts within the ambit of the leasing regulations. It may be valid to do so, either for administrative uniformity, or because such agents are often small operators too, because carrier agents may argue that they will refuse to tender settlement with owner-operators until they receive payment from their principal motor carriers; because the definition of "owner" has not been changed from the old rules and consequently petitioners had notice of the applicability of these rules; or because the relationship of owner-operators and carrier agent-lessors requires it. On the other hand, it may be that the agency situation is so unique that the rules should not apply or should apply in modified form.

We believe that a constructive purpose would be served by receiving comments from all interested parties on this issue: whether and to what extent, the new leasing rule requirements contained at 49 CFR 1057.12 should apply as to contracts between motor carriers and their agents. Consequently, we are denying the petition of American Red Ball, Global, and Wheaton for a stay of the rules at this time because the rules (which go into effect March 26, 1979) will only be applied between owner-operators and motor carriers. We are initiating a procedure to solicit comments to determine whether and to what extent, if any, the new leasing rules should be applied to arrangements between motor carriers and their agents.

This notice is issued under the authority contained at 49 U.S.C. 10321 and 11107, and 5 U.S.C. 553.

Decided: March 20, 1979.

By the Commission. Chairman O'Neal, vice Chairman Brown, Commissioners Stafford, Gresham, Clapp, and Christian. Commissioner Stafford concurring in part and dissenting in part.

H. G. HOMME, Jr.,
Secretary.

Commissioner Stafford, concurring in part, dissenting in part:

I would grant the extension of time requested by ATA. I believe it is unreasonable to give the industry such a limited period of time to effect compliance with these sweeping revisions of the regulations.

Also, I see no reason why comments must be expedited and limited to a 30-day response time. Parties need time to develop a position, research it, and write a legal brief. There is no great urgency in reaching a decision in this matter.

[FR Doc. 79-9390 Filed 3-26-79; 8:45 am]

[1] American Red Ball Transit Company, Inc., Global Van Lines, Inc., and Wheaton Van Lines, Inc. (jointly) and American Trucking Associations, Inc.

[7035-01-M]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

LEASE AND INTERCHANGE OF VEHICLES

AGENCY: Interstate Commerce Commission.

ACTION: Proposed rule.

SUMMARY: This document concerns the new leasing regulations adopted by the Commission at 44 FR 4680, Jan. 23, 1979 and which become effective March 26, 1979. It proposes to revise the provisions in § 1057.26, *Exemption from requirement of exclusive possession and control,* and include them with the general requirements in § 1057.12(d), *Written lease requirements,* so as to avoid interpretive problems. It is not intended for this revision to change substantively any of the Commission's leasing regulations which were in effect prior to the institution of the proceeding.[1]

DATES: Comments are requested on or before April 26, 1979.

ADDRESSES: Send comments to: Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Richard Armstrong, 202-275-7426.

SUPPLEMENTARY INFORMATION: It has come to our attention that there may be interpretation problems with the provisions in the new leasing rules concerning the requirements of exclusive possession of, and responsibility for, leased equipment by the authorized carrier lessee. The general requirements appear at § 1057.12(d) and an exemption appears at § 1057.26. Arguably, the wording of § 1057.26(a) allows the parties to exempt completely the authorized carrier lessee from the general requirements of § 1057.12(d) for the duration of the lease merely by including a provision in the lease that the authorized carrier lessee may be considered as the owner of the equipment for the purpose of subleasing it. We intended only to continue to allow parties to include a provision in the lease authorizing subleasing. Exclusive possession of, and responsibility for, the leased equipment would continue to be required of the authorized carrier lessee at all times other than when the equipment is actually being subleased. Accordingly, we propose to revise the provisions in § 1057.26 and include them with the general requirements in § 1057.12(d) as set forth below, so as to avoid any interpretive problems of this nature. Again, we do not intend for this revision to change substantively any of the Commission's leasing regulations which were in effect prior to the institution of this proceeding.

Interested parties are invited to file comments on this proposal.

This notice is issued under the authority contained at 49 U.S.C. 10321 and 11107, and 5 U.S.C. 553.

Decided: March 20, 1979.

By the Commission. Chairman O'Neal, Vice Chairman Brown, Commissioners Stafford, Gresham, Clapp and Christian. Commissioner Stafford concurring in part and dissenting in part.[2]

H. G. Homme, Jr.,
Secretary.

Accordingly, we propose to make the following change to our new leasing regulations as follows:

Excise § 1057.26 and amend § 1057.12(d) to read as follows:

(d) *Exclusive possession and responsibilities.* (1) The lease shall provide that the authorized carrier lessee shall have exclusive possession, control, and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease. (2) Provision may be made in the lease for considering the authorized carrier lessee as the owner of the equipment for the purpose of subleasing it under these regulations to other authorized carriers during the lease. (3) When an authorized carrier of household goods leases equipment for the transportation of household goods, as defined by the Commission, the parties may provide in the lease that the provisions required by paragraph (1) of this subsection apply only during the time the equipment is operated by or for the authorized carrier lessee.

[FR Doc. 79-9391 Filed 3-26-79; 8:45 am]

[1] See FR Doc. 79-9390 also appearing in this separate part of the Federal Register.

[2] See FR Doc. 79-9390 also appearing in this separate part of the Federal Register.

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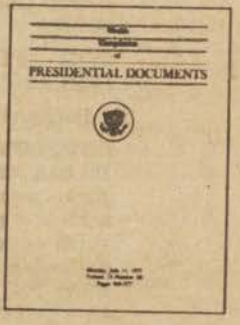

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